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THE ESTATES GENERAL OF 1789

The American Historical Association

THE ESTATES GENERAL OF 1789

The Problems of Composition and Organization

BY

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PREFACE

Some fifteen years ago, in a casual conversation at a meeting of the American Historical Association, the late Professor Fred Morrow Fling, of the University of Nebraska, suggested that I read all the pamphlets published in France during the summer and fall of 1788, determine their localization and authorship, and make a study of the development of public opinion in regard to the composition and organization of the promised Estates General. Whether the decree of July 5, 1788, elicited any responses and whether the government ever made use of information thus obtained were subsidiary questions to which answers were to be sought.

Stimulated by the suggestion, I tried my 'prentice hand on the collection in the White Library of Cornell University. One by one I turned over these pamphlets, "localizing" each so far as possible from internal evidence or in some other way, and segregating those that belonged to my period. After a pleasant summer spent in this fashion, I considered myself sufficiently oriented to cross the Atlantic and exploit the collections in Paris and in the British Museum. The *Catalogue de l'Histoire de France* (Volumes II and X, *cote* Lb⁸⁰) lists, somewhat according to years of publication, the titles of pamphlets in the Bibliothèque Nationale. With this indispensable guide before me, I culled out the pamphlets for my period and, from summer to summer as opportunity offered, I read them all. A few days in the Bibliothèque de la Ville de Paris and two weeks in the British Museum later convinced me that my task was done. From copious notes arranged roughly in chronological order, I have written this little book, which the Committee on the Revolving Fund has thought worthy of publication. Whatever be its merit as a contribution to historical knowledge, the writing of it has afforded me pleasure.

Wherever I wandered in quest of material, I found the official custodians of books and manuscripts uniformly courteous and often helpful. To many personal friends I am under deep obligations for assistance and advice. By letters and by personal interviews at meeting of the American Historical Association and in Paris, Professor Fling gave me much inspiration and many constructive suggestions, with

out which the little book could hardly have taken its present shape. Professor Henry E. Bourne, Managing Editor of the *American Historical Review*, was kind enough to read the entire manuscript and give me the benefit of his expert opinion, for which I am deeply grateful. My colleague, Professor Josiah C. Russell, of the University of North Carolina, read all the galley proof and called my attention to several faults which I tried to correct. Quite worthy of mention also was the service which my wife performed as amanuensis, back in those summer months in the Bibliothèque Nationale, when time pressed and long paragraphs still remained to be copied from the pamphlets. But of course kind friends and generous helpers must not be held responsible for shortcomings; in the end, I wrote the book in accordance with my own ideas.

M. B. G.

Chapel Hill, N. C.,
November 16, 1935

CONTENTS

CHAPTER I	
INTRODUCTORY: THE ARISTOCRATIC REVOLT . . .	PAGE 3
CHAPTER II	
<i>DIVIDE ET IMPERA</i>	25
CHAPTER III	
THE FALL OF BRIENNE	41
CHAPTER IV	
THE RECALL OF NECKER	52
CHAPTER V	
THE <i>PETIT MOT</i> OF THE PARLEMENT OF PARIS . .	65
CHAPTER VI	
SIX WEEKS OF PAMPHLETS	76
CHAPTER VII	
THE SECOND ASSEMBLY OF THE NOTABLES . . .	104
CHAPTER VIII	
FIVE WEEKS OF PAMPHLETS	126
CHAPTER IX	
MEMORIALS AND PETITIONS OF THE THIRD ES- TATE	157
CHAPTER X	
THE MEMORIAL OF THE PRINCES	171

CHAPTER XI

TWO WEEKS OF PAMPHLETS	181
----------------------------------	-----

CHAPTER XII

THE <i>RÉSULTAT</i> AND <i>RAPPORT</i> OF DECEMBER 27 .	197
---	-----

CHAPTER XIII

"WHAT IS THE THIRD ESTATE?"	208
---------------------------------------	-----

CHAPTER XIV

SUMMARY AND CONCLUSION	219
----------------------------------	-----

BIBLIOGRAPHY

I	MANUSCRIPT SOURCES	222
	(a) Archives Nationales	222
	(b) Bibliothèque Nationale	222
	(c) Archives de Seine-et-Oise	222
II	PRINTED SOURCES OTHER THAN PAMPHLETS	222
	(a) Official Documents	222
	(b) Correspondence and Diaries	223
	(c) Newspapers and Periodicals	224
	(d) <i>Mémoires</i> , etc.	224
III	PAMPHLETS	225
	(a) Pamphlets Published between July 5 and September 25, 1788	227
	(b) Pamphlets Published between September 25 and November 6, 1788	232
	(c) Pamphlets Published between November 6 and December 12, 1788	239
	(d) Pamphlets Published between December 12 and December 27, 1788	247
	(e) Pamphlets Published between December 27, 1788, and January 24, 1789	254
IV	SECONDARY WORKS	263
	INDEX	265

THE ESTATES GENERAL OF 1789

CHAPTER I

INTRODUCTORY: THE ARISTOCRATIC REVOLT

The demand for the convocation of the Estates General that met in 1789 originated in an aristocratic revolt against arbitrary government. Having no Magna Charta to which appeal could be made, the privileged classes appealed to the old constitution of France which they found functioning satisfactorily at the end of the sixteenth century. In the rehabilitated Estates General of the realm they saw an opportunity to play as of old the preponderant rôle and to protect their privileges and immunities.

The revolt began with the first Assembly of Notables (February 22—May 25, 1787), which had been summoned to give assent to fiscal and administrative reforms. At the first sitting Calonne, controller general of finances, explained that an annual deficit in the royal treasury had existed for centuries and that, despite the various reforms effected, it was constantly growing larger. The emission of additional loans, he said, would only aggravate the evil and hasten the ruin of the State; the augmentation of the existing taxes would only crush the people, whom the king was anxious to relieve; the anticipation of future revenues had already been carried beyond the margin of prudence; and economy in the royal expenditures, however rigorously applied, would not prove sufficient. "What then," he asked, "remains to fill this dreadful void and enable us to raise the revenues to the desired level? . . . *The Abuses.* Yes, gentlemen, the abuses offer a source of wealth which the State should appropriate, and which should serve to reëstablish order in the finances. It is in the suppression of abuses that lies the only means of relieving every need."¹ Further explanation made it clear that by "abuses" he meant the pecuniary privileges and exemptions enjoyed by certain classes, corporations, and localities—in a word, the general want of uniformity and justice in the distribution of the taxes.

Concrete proposals for reform were submitted by Calonne in a

¹ *Procès-verbal de l'assemblée de notables tenue à Versailles, en l'année 1787* (Paris, 1788), p. 58.

series of memorials: In the provinces not provided with estates, there were thenceforth to be parochial, district, and provincial assemblies composed of proprietors without regard to the distinction of orders, and intrusted with the apportionment of the taxes and with a share in the local administration. For the *vingtièmes* there was to be substituted a land tax to be paid by all proprietors without distinction or exception; not even the lands of the clergy or the appanages of the princes or the crown lands were to be exempt. Levied upon the annual production of the soil at the time of harvest, it was to be a sort of income tax payable in kind. From the lands of the best quality, the tax-collector was to take one twentieth of the products; from those of the second quality, one twenty-fifth; from those of mediocre quality, one thirtieth; and from those of the poorest quality, one fortieth. The work of grading the lands was to be intrusted to the provincial assemblies, and, once completed, it was to form the long-desired cadastral survey of the kingdom and to serve as a guide for the equitable apportionment of the *taille* and other taxes. The clergy was to alienate its honorific rights, such as justice and the chase, and permit the peasants on its lands to redeem themselves from certain specified dues; and, with the receipts from these two sources, the clergy was to pay its enormous debts and thus put itself in position to bear the burden of the proposed land tax without incurring any hardship. The *taille* was to be reduced forthwith and reduced still more when the land tax was put in operation; the circulation of grain within the kingdom was to be freed from governmental regulation; the customs lines were to be relegated to the frontiers and uniform tariff rates established; and so on.² The entire program was essentially a reversion to the ideas of Turgot.

The general belief was that the Notables would readily assent to the program, for it was presented in the name of the king, whose prestige was still undiminished; but, assailed by the witticisms of Paris and Versailles,³ the Notables soon began to shake their heads in disapproval. The proposal to establish provincial assemblies, they said, was acceptable in principle, but the details of the plan were faulty. To confuse the three orders, they contended, would be unconstitutional and therefore dangerous. They demanded instead that the

² *Procès-verbal de l'assemblée de notables* . . . , p. 84 et seq.

³ "We talk and think nothing here but the Assemblée des Notables. Were all the puns collected, to which this Assembly has given rise, I think they would make a larger volume than the 'Encyclopédie.'" Thomas Jefferson to Richard Peters, Paris, February 26, 1787. Bergh, *The Writings of Thomas Jefferson* (Washington, 1907), VI, 100.

provincial assemblies be composed of the three orders in proportions regulated in advance. The third estate should have half the total number of deputies; the deliberations should be in common and the votes counted by head; but the three orders should be kept distinct and the president of each assembly should always be a member of one of the privileged orders.

But this was only the preliminary skirmish. The Notables concentrated their best efforts on the defeat of the land tax. To collect it in kind, they said, was not practical. The king wanted money; it was immaterial to him how the money was raised. Then let the controller general ascertain the exact amount of the deficit and apportion it among the great corporations, such as the clergy, the *pays d'états*, and the principal cities; these could collect their respective quotas in the customary manner and make their payments to the royal treasury in money.

Embarrassed by these objections, Calonne addressed a formal note to the Notables explaining that the nature of the proposed tax was not for them to determine; their business was to devise the best means for putting the plan into execution.⁴

This note exasperated the Notables. They protested that they could not discuss the execution of the plan without discussing the nature of the tax itself and that, besides, they could not recommend the execution of a measure which to them seemed unnecessary. If the king was not willing to hear their opinions, they complained, why had he summoned them for consultation?

Encouraged now more than ever by song and pamphlet, the Notables took a bolder stand and declared that before authorizing the creation of new resources for the royal treasury they needed to verify the origin and the amount of the deficit. Accordingly they asked Calonne for a statement of the receipts and expenses. As the royal treasury had hitherto been veiled in secrecy, this demand was not only bold, it was revolutionary; but it had the support of such public opinion as then existed. The current belief was that the Notables now had the controller general in a close corner and were about to give him the treatment he deserved.

On March 2, Calonne had a conference with the princes of the blood and some thirty-five other Notables—about one third of the assembly.

⁴ *Supplément au mémoire sur l'imposition territoriale*, Arch. Nat., K 677. Cf. P. Renouvin, *L'assemblée de notables: la conférence du 2 mars* (Paris, 1920), p. viii.

To these he revealed as best he could the condition of the royal treasury: the annual deficit was between 112 and 113 million livres. The conferees reminded him that in 1781, when Necker published his *Compte rendu*, there was a surplus of more than 10 million livres, and they asked him to justify the existence of this enormous deficit. Calonne replied that Necker's estimates were not based on the proper statistics, that instead of a surplus in 1781 there had been a considerable deficit. But the conferees were not convinced and continued to express a desire to see the documents on which Calonne based his calculations. He refused to accede to their request on the ground that, since the king had seen and approved his figures, there could be no question of their exactitude. The conferees returned to the assembly with their report, whereupon the Notables declared almost unanimously that they could not formulate any opinion upon the land tax until they had adequate information relative to "its necessity, its limit (*mesure*) and its duration." ⁵

Thus the Notables skilfully turned the tables on Calonne and put him on the defensive. At Court, in the salons, and by the public at large, he was denounced as a waster and squanderer of the king's money. Now, after all his *dilapidations*, said the critics, he was trying to saddle the taxpayers with an additional burden of 113 million livres. The Notables were doing no more than their patriotic duty in resisting the charlatan's demands.

At the end of March, Calonne resolved to enlighten public opinion upon the real issue involved. With this purpose in view, he published the memorials which he had submitted to the Notables and at the head of the publication he placed an *Avertissement* in which he declared that there was to be no augmentation of the taxes, but quite the reverse. The privileged classes would pay more, he said, because they had not been paying enough; they were making a loud protest in consequence, but that was to be expected. Separate impressions of the *Avertissement* were made and scattered profusely about the streets of Versailles and Paris, and sent to the country curés to be read from the pulpits.

In reply, the Notables drafted *Observations* accusing the minister of perfidy and asserting their willingness to make any sacrifice consistent with the welfare of the nation. They had, they admitted, insisted on the preservation of the distinction of orders, but their purpose in so doing

⁵ Renouvin, *op. cit.*

was not to escape their equitable share of taxation; it was only to preserve the old constitution of France. The minister, so they reminded the king and the public, had neglected to mention in the *Avertissement* that a statement of receipts and expenses had been called for and refused. Had they consented to an increase of taxation without first ascertaining whether or not new taxes were necessary, their culpability would have been as great as that of the minister himself. To them it seemed that the best way to procure relief for the people was to cut down expenses and put a stop to waste and extravagance.

The king, in his weakness, permitted the publication of these *Observations*, and, thus encouraged, the Notables proceeded to attack Calonne's entire administration both past and present. They abandoned completely the projects of reform and talked only of waste and extravagance, while outside the assembly the courtiers and other interested parties were already discussing Calonne's successor. Under the circumstances, Louis XVI could hardly be expected to hold to his minister. He dismissed Calonne on April 8. But the program of reform did not disappear with the minister who conceived it.

During the ministerial crisis, the sittings of the Notables had been suspended. When the assembly met again, April 23, the king presided in person and restated the reform program. His speech from the throne was both dignified and conciliatory. The Notables, he said, would have their way about the composition and organization of the provincial assemblies; they would also receive a statement of the receipts and expenses of the royal treasury; their demand for economy in the royal household would also be granted; but the deficit was considerable and would have to be met by a reform of taxation. In consequence, the king, to his deep regret, would have to levy a tax on all proprietors in proportion to the value of the products of their lands, and also a stamp tax which by its nature would affect only people of considerable means. A memorial upon the stamp tax was then read by Fourqueux, the new controller general of finances.

Because the king was determined to carry out the program of tax reform, the Notables, on April 24, resumed their opposition. The statement of receipts and expenses which they had so long been demanding and which the king had so tardily submitted was suspected by them of being incomplete. They plied Fourqueux with questions which he, being old and incompetent, was unable to answer; they sent some of their members to the bureaux of the Contrôle Général to

consult the clerks and to make further investigations; they asked the king to send them a statement of the retrenchments which he expected to make in his expenditures; but with all their zeal and industry they could not make the budget balance.

For the king the situation was becoming disquieting. Circumstances seemed to demand the appointment of a minister who could both lead and dominate. On May 1 the choice fell on Loménie de Brienne, archbishop of Toulouse, who as a member of the Assembly of Notables had been a prominent critic of Calonne's proposals. He was made chief of the royal council of finances in succession to Vergennes, who had just died. Fourqueux was replaced at the *Contrôle Général* by Laurent de Villedeuil, another Notable. With this ministry in power, what pretext could the Notables find for further criticism?

At first they seemed disposed to coöperate with Brienne. On May 2 he came to the assembly and explained that the distress of the treasury necessitated an immediate loan. They voted their approval of the loan¹ and the *Parlement* of Paris registered the edict without protest. But here coöperation ceased. On May 9, Brienne had a conference with the princes of the blood and fourteen other Notables and explained that the deficit was really 140 million livres and that there was no other way to meet it than by taxation. But what taxes? He could think of nothing better than the stamp tax and a modified form of the land tax. Thereupon the conferees protested and reproached him for a change of front, pointing out that as minister he was now advocating measures which as a member of the Assembly of Notables he had opposed. In the end no agreement was reached.

After this conference the Notables made a series of recommendations: that the king adopt a policy of rigorous retrenchment; that he publish every year a statement of receipts and expenses; that he appoint a committee on finances, composed of "worthy citizens from the different orders and unconnected with the general administration," "men disinterested in the administration and receiving no salaries for their services,"²—in other words, a committee of Notables to hold the controller general in tutelage. On Brienne's advice, the king forthwith accepted these recommendations.

Brienne now had a right to expect, after so many concessions, that the Notables would return to the principal object of their mission and reach some decision in regard to the deficit. But they did nothing of the

¹ C. Gomet, *Les causes financières de la révolution française: les derniers contrôleurs généraux* (Paris, 1893), pp. 331-332.

sort. They continued to bewail the sad lot of the taxpayer and to denounce the injustice of an unnecessary increase of taxation. In the end they alleged that, holding no powers from the nation, they were not qualified to give advice upon fiscal reforms. They begged therefore to refer the matter to the wisdom of the king, praying him, if new taxes were indeed indispensable, to levy only those that offered the least inconvenience to his people.

After this declaration of incompetence, there was nothing for Brienne to do but dismiss the Notables. This he did on May 25. They had been summoned to give assent to fiscal reforms so that, with their backing, the king could face his sovereign courts and get his fiscal edicts registered without having to incur "remonstrances" or resort to "beds of justice"; but the successful effort of the Notables to evade responsibility in the matter left Brienne in the lurch. At the last sitting of the assembly, the first president of the Parlement of Paris gave fair warning that the ministerial projects would undergo a severe examination when submitted for the registration of the sovereign courts.

In old France, royal edicts and declarations could not be regularly promulgated without the formality of inscription upon the register of the appropriate parlement. Brienne accordingly submitted to the Parlement of Paris the declarations relative to the free circulation of grain and the conversion of the *corvée* into a money payment, and got them registered without difficulty. He had the same good fortune with the edict relative to the provincial assemblies. But when he submitted the edict upon the stamp tax, July 2, the Parlement professed to be unable to believe that, after five years of peace, this tax was necessary and called for a statement of receipts and expenses. Brienne refused to accede to the request, and the Parlement, much irritated in consequence, was in the act of preparing an address to the king, July 16, praying for the withdrawal pure and simple of the edict, when the Abbé Sabathier created a sensation by saying, "It is not a statement of accounts that we need, gentlemen; it is the Estates General." This was a striking suggestion, and was probably not made without a view to dramatic effect. The Parlement seized upon the suggestion and inserted in its address to the king the following sentence: "Only the nation in Estates General assembled can give the necessary assent to a perpetual impost." In other words, the Parlement had no right to register edicts establishing new taxes; that was the business of the Estates General. But the king would not permit the issue to be thus evaded and insisted on registration. Then the Parlement took the fatal

step, July 24, of asking for the convocation of the Estates General. Would the king take fright at this bogey and withdraw the offending edict?

Brienne ignored the request, and, on pretext of giving the Parlement a complete view of his fiscal plans, he submitted for registration also the edict upon the land tax. The Parlement professed to see in this procedure a gesture of defiance on the part of the minister. Summoning the peers as auxiliaries, it held a solemn sitting on July 30 to deliberate upon the situation. The Abbé Sabathier opened the discussion with an incendiary speech calling for the immediate convocation of the Estates General. Other speakers followed with similar opinions, and the sitting terminated with the following resolution: "The court . . . deprived of the information which it has vainly solicited; reduced, after five years of peace, to deliberate upon a disastrous impost, of which the necessity is not proved and of which the proportion with the needs of the State is not established; considering that only the nation represented by the Estates General has the right to grant the king subsidies, of which the need should be demonstrated by evidence; persists in its resolution of July 16 and decrees that the lord king shall be very humbly supplicated to yield to the desire expressed in the said resolution and convoke the Estates General before levying any new imposts." Thus the request was repeated with emphasis by the most dignified corporation in the State, namely, the Parlement of Paris "garnished with peers."

Meanwhile the edicts remained unregistered and the royal treasury empty. What was to be done? On August 5 the king commanded the Parlement to appear at Versailles for a "bed of justice." At the opening of the sitting, August 6, Lamoignon, keeper of the seals, explained on behalf of the government that the existence of the deficit could not be doubted, that the king had either to increase taxation or fail in his engagements. The latter alternative could not be considered. "Thus reduced to the sad necessity of increasing the taxes," said the minister, "the king prefers the tributes paid to his treasury by the wealthiest class of his subjects." Then the president of the Parlement rose and said: "Your Parlement can not, should not and will not give its assent to, nor will it be a party to, what may be done in the present sitting; and if it should please your majesty to promulgate the edicts in question, your Parlement has charged us to reiterate to you its

¹ *Remontrances du parlement de Paris au XVIII^e siècle*, publiées par Jules Flammermont (Paris, 1898), III, 676.

very humble and very respectful representations. . . . If, despite the supplications, entreaties and representations of your Parlement, your majesty should still see fit to display your absolute power, your Parlement will not cease to employ all its zeal and to raise its voice with as much firmness as respect against taxes of which the essence would be as baneful as the collection would be illegal.”⁸ The edicts were then registered by the express command of the king. The next day the Parlement declared the registration illegal and null.

Nor did resistance stop here. On August 13, the Parlement held another sitting and declared itself incompetent to sanction any taxes whatsoever. The king, it said, could not raise taxes legally “without having first convoked and consulted the Estates General.”

At Paris a section of public opinion noisily approved the resistance of the Parlement. During important sittings, the halls and corridors of the Palace of Justice were thronged with clerks of the Basoche and citizens from various classes, impatient to hear the latest results and ready to acclaim the magistrates who had been the most immoderate in their utterances: On August 13 the mob bore Duval d’Esprémesnil in triumph to his carriage.

Thus confronted by insubordination and sedition, the ministry knew not what to do but set the superannuated machinery of despotism in motion. On August 15, the Parlement of Paris was exiled to Troyes by *lettres de cachet*. The magistrates departed in silence, but for a week thereafter the crowd continued to engage in noisy demonstrations in and around the empty Palace of Justice. Mallet du Pan, a competent eye-witness, has recorded, however, that the demonstrations were the work of young clerks, ragamuffins, and other rascals who ran away at the approach of armed troops. After the government had closed the clubs and called out the French and the Swiss Guards to patrol the streets, order was completely restored.⁹

Nevertheless the embarrassment of the ministry continued. In Paris the Chambre des Comptes and the Cour des Aides declared the registration of the tax edicts illegal and null, and demanded the recall of the exiled magistrates and the convocation of the Estates General. In the provinces, the parlements of Rennes, Rouen, Bordeaux, Pau, Toulouse, Grenoble, and Besançon, during the last days of August,

⁸ Flammermont, *Remontrances*, III, 681-684.

⁹ *Memoirs and Correspondence of Mallet du Pan, Illustrative of the History of the French Revolution*, collected and arranged by A. Sayous, late professor at the Academy of Geneva (London, 1852, 2 vols.), I, 148.

denounced the waste and peculation of Calonne's administration, bewailed the misery of the people, "feared" the consequences of "strokes of authority constantly renewed," and called for the prompt convocation of the Estates General; while at Troyes the exiled Parlement of Paris renewed its "remonstrances" and its "supplications." In the face of this united resistance on the part of the sovereign courts, it was impossible for the ministry to put the edicts into execution or to float a successful loan.

So Brienne¹⁰ was obliged to capitulate. After a little negotiation with the exiled Parlement in regard to terms, he agreed to withdraw the tax edicts and be content with the restoration of the *vingtièmes*, on condition, however, that the revenues of all classes, without distinction or exception, be ascertained and assessed at the proper rate and that the expiration of the second *vingtième*, which was due to fall in 1790, be postponed until the end of 1792. The Parlement accepted these conditions, despite its formal declaration that it was incompetent to sanction any taxes whatsoever, and received the royal pardon on September 20. Its return to Paris was the occasion for noisy demonstrations of popular joy. Calonne was burned in effigy on the Place Dauphine and two manikins representing the Baron de Breteuil and the Duchesse de Polignac were carried in procession by the noisy clerks of the Basoche. But after the arrest of two culprits, the police restored order.¹¹

Thus the king was reconciled with his Parlement, but the reconciliation entailed the abandonment of his chief fiscal reforms. He was obliged to declare himself content with his old taxes, which, without considerable extension, would not be adequate to his needs. His treasury was empty and, judging the future by the past, he could not reasonably expect the Parlement to register a loan. What then was to be done?

That intelligent Frenchmen were worried over the situation is attested by Arthur Young, who chanced to be in Paris, October 11-28, passing his time in good society. On October 13 he wrote: "We had a large party at dinner, with politicians among them. . . . All seem to

¹⁰ Harassed by contradictory advice, the king raised Brienne to the rank of Principal Minister on August 28, 1787, and ordered the other ministers to subordinate themselves to him. Two resigned rather than submit to the new ruling, and their places were taken by men who could add neither weight nor wisdom to the king's council.

¹¹ *Annales françaises depuis le commencement du règne de Louis XVI jusqu'aux Etats-Généraux, 1774 à 1789*, par Guy-Marie Sallier (Paris, 1813), pp. 103, 105.

think that something extraordinary will happen; and bankruptcy is an idea not at all uncommon." On October 17 he wrote again: "One opinion pervaded the whole company, that they are on the eve of some great revolution in the government: that everything points to it: . . . a great ferment amongst all ranks of men, who are eager for some change, without knowing what to look to, or to hope for: . . . Would a bankruptcy occasion a civil war and a total overthrow of the government?"¹²

The Parlement of Paris, on its return from Troyes, noticed this "great ferment amongst all ranks of men" and became apprehensive. One day Duval d'Esprémesnil called on Lamoignon, keeper of the seals, and said:

The Estates General have become necessary and perhaps inevitable. But we must not conceal from ourselves the fact that if they offer great hopes they may also, if we do not take precautions, become a source of trouble. Should they be convoked in a moment of public agitation, they would accomplish no good and would only increase the disorder. The Parlement for this reason is disposed to abstain, for the present, from insisting on their convocation. Let the king announce the Estates General for a remote date. A delay of two or three years will suffice to restore calm completely. But during this time the needs of the State will require additional loans. If these are presented for registration from year to year, it is to be feared that they will be the occasion for unfortunate discussions: turbulent spirits will abuse the occasion perhaps. Let us prevent this danger while we can. Let the government present a financial program for the two or three years that will intervene between now and the meeting of the Estates General, and let it ask in advance for loans for each of these years. The Parlement is disposed at the present moment to grant them. Moreover, it will second with all its influence the efforts of the government to establish and ensure the public tranquillity.¹³

At this prospect of a working agreement with the Parlement, Lamoignon is said to have wept tears of joy. He agreed, so it seems, that the loan edict in question would be presented to the Parlement by the king, not with pomp and ceremony, but in a private sitting where king and parlement could treat with each other on something like equal terms. But, on consultation with Brienne, he changed his mind. Convinced that the majority of the magistrates were frightened at the prospect of bankruptcy and the specter of a popular revolution, the two ministers decided that the opportunity had come to crush the

¹² *Travels in France* (Bohn ed., London, 1912), pp. 92, 97-98.

¹³ Sallier, *Annales françaises*, p. 110.

lofty aspirations of the factious Parlement by a *coup d'autorité*. So they fixed 1792 as the probable date for the convocation of the Estates General, and the enormous sum of 420 million livres as the amount necessary to tide the government over the interval: 120 million for 1788, 90 million for 1789, 80 million for 1790, 70 million for 1791, and 60 million for 1792. Then, in order to impress all France with the importance of the transaction and to give the keeper of the seals an opportunity to define the powers of the Parlement and of the Estates General, they decided that the loan edict would be registered in a pompous royal sitting.

The royal sitting was accordingly held at the Palace of Justice on November 19. In his speech from the throne, Louis XVI, usually so indulgent and paternal, was made to utter reproaches for the past and menaces for the future. Then Lamoignon, keeper of the seals, took the floor and explained that the king was justly discontented with the Parlement's persistent demand for the convocation of the Estates General. The Parlement should not forget, he said, that the king alone was sovereign in France, that he was accountable only to God for the exercise of his supreme power, and that the power of the Estates General was neither legislative nor administrative but consultative only. Never would the king permit the Parlement or any other body to "exercise upon his resolutions any appearance of constraint."

Having thus expounded the fundamental principles of the French constitution, Lamoignon proceeded to explain the nature and purpose of the edict to be registered. It was only incidentally and without emphasis that he said: "It will be in the midst of the Estates General of his kingdom that his majesty, surrounded by his faithful subjects, will be able to present with confidence the consoling report of order established in his finances."¹⁴ In the edict itself the king was made to say: "What satisfaction we shall have, when, before the year 1792, we shall be able to show to the nation assembled, as we propose to do, that order has been established."¹⁵ Such were the exact phrases with which the king made known his intention to convoke the Estates General.

The magistrates were naturally irritated. Instead of treating with the Parlement as with a coördinate power in the State, the king had

¹⁴ *Archives Parlementaires* . . . , Première Série, 1787-1799 (Paris, 1867-), I, 268.

¹⁵ *Ibid.*, I, 263.

appeared at the Palace of Justice with menaces on his lips and "thunderbolts in his hands." For eight mortal hours the magistrates discussed the edict in the royal presence. Fault was found with the remoteness of the date fixed for the convocation and with the number and size of the loans. Despite this criticism, however, the majority of the magistrates would probably have voted for the registration of the edict had they been given the opportunity. When the vote was on the point of being taken, Lamoignon held a whispered conversation with the king, who suddenly transformed the royal sitting into a bed of justice. The edict was then registered by express command of the king. The Duke of Orleans at once protested that this procedure was illegal, and, after the king's departure, the magistrates declared that they were not a party to what had just been done.

During the night of November 20-21, the king exiled the Duke of Orleans to Villers-Cotterets and imprisoned two magistrates, Fréteau and the Abbé Sabathier, by *lettres de cachet*. Then, by his command, a large deputation of the Parlement appeared at Versailles with the registers of the company. The king crossed off the offending page on which was inscribed the protest against the method of registering the edict and roundly scolded the magistrates. "I said that I would convoke the Estates General before 1792," he told them, "that is to say, in 1791 at the latest: my word is sacred." In reply the spokesman for the deputation offered no excuse for the conduct of his company but said: "Your dismayed Parlement supplicates your majesty very humbly to restore to the prince of your blood and to the magistrates the liberty which they have lost only for having expressed freely in your presence what their duty and their conscience dictated, in a sitting where your majesty announced that you had come to hear frank opinions." Thus the battle was shifted to another terrain. For the time being at least, the issue was to be, not the convocation of the Estates General, but the necessity of individual liberty—the God-given right of every Frenchman to be free from arbitrary arrest.

When the deputation returned to the Palace of Justice, the Parlement did not renew its remonstrances against the enforced registration of the loan edict. This omission is significant, for it indicates that the Parlement had decided to acquiesce tacitly in the emission of the first loan. By the end of 1787 Brienne had his 120 million livres—enough, so it was thought, to tide the government over the following year.¹⁸

¹⁸ Letters of Lafayette to Washington, dated January 1 and 2, 1788, in *Mémoires et correspondance*, II, 217, Bergh, *The Writings of Thomas Jefferson*, VII, 19,

Meanwhile the provincial parlements were preaching insubordination and giving examples of it. More consistent in their conduct than the Parlement of Paris, many provincial courts refused to register the edict of September relative to the extension of the *vingtièmes*, and took the Parlement of Paris to task for its "culpable condescension." The Parlement of Besançon forbade the collection within its jurisdiction of such taxes as it deemed illegal. The Parlement of Toulouse did the same and urged the taxpayers to resist "the enterprises of arbitrary power." The parlements of Rennes, Rouen, Toulouse, and Metz declared that the annual subscriptions of the *pays d'états* were no longer obligatory. That of Rennes, on December 6, invoked an ancient law that "Frenchmen could not be subjected to any tax without their consent" and declared criminal the emission of a loan before the reality of the deficit had been established and "all the means of economy" had been exhausted. And all the sovereign courts adopted strong remonstrances against the exile of the Duke of Orleans and the imprisonment of the two magistrates. "Impeded by conflicts up to then unknown," writes Chérest, "the collection of the taxes each day encountered difficulties which the agents of the fisc did not succeed in overcoming."¹⁷

The year 1788 opened with the parlements in revolt, the spirit of insubordination spreading to all classes, and the receipts from taxation diminishing. Nevertheless the ministry elected to pretend that the crisis was passing. As an earnest of their faith in the return of peace and prosperity, the individual ministers began to apply themselves assiduously to the work of their several departments. Plans were made for the reform of public education and criminal legislation; the embellishment of Paris was promoted by the removal of houses from the bridges across the Seine; hospitals were built or made more sanitary, and a better system of poor relief was inaugurated; the diplomatic quarrel over the Dutch question, which at one time threatened war, was peacefully settled; and a reduction in the royal expenses was to be effected by improvement in the administration of the crown lands and by simplification in the organization of the royal treasury.

In March a diversion was created by the publication of the promised *Compte rendu*. The deficit was shown to be 160,737,492 livres. Nevertheless, the tone of the report was optimistic. The recent loan of 120

Lettres de l'Abbé Morellet, de l'Académie française, à Lord Shelburne, depuis Marquis de Landsdowne, 1772-1803 (Paris, 1898), p. 262.

¹⁷ *La chute de l'ancien régime* (Paris, 1884-1886), I, 373-374.

million, together with other "extraordinary receipts," such as a loan of 10 million from Languedoc and 3 million from Provence, amounted in all to 168,130,500 livres. So the government could pay its way during 1788 and have more than 7 million livres left over. In 1789 further retrenchments in the royal expenditures could be made, the extension of the *vingtièmes* would increase the receipts from taxation, and the loan of 90 million plus other "extraordinary receipts" would cover the deficit for that year. And so on. By 1792 the king would be able to announce to the Estates General that order had been completely reestablished in his finances.¹⁸

These tactics, which seem to have been designed to captivate public opinion and restore credit, stimulated the Parlement of Paris to renewed activity. On April 11, it returned to the old quarrel of the previous year and declared the loan edict registered in the bed of justice on November 19 illegal and null. "Yet, Sire," continued the remonstrance, "your parlement is not unaware that capitalists in good faith, reassured by the external characteristics of the printed edict, have invested their money in the loan of 120 millions opened for this year. Was their confidence misplaced? It is not the intention of the parlement to say so. It is possible to assure their credit. In truth, the means of doing so is no longer in the power of the parlement. But there remains for the lenders a resource in the assembly of the Estates General. The Estates General will weigh in their wisdom the public circumstances, they will feel and understand what the dignity of the nation demands, and their enlightened zeal will doubtless cause them to combine the loan of 120 millions with the debts sanctioned by the law."¹⁹ Here, then, was a warning from the most dignified judicial body in the land that the loan just closed was illegal, a warning well calculated to deter capitalists from buying any more government bonds.

The next move of the Parlement was to interfere with the efforts of the government to extend the *vingtièmes* to the privileged classes. On April 29, in a joint sitting of Parlement and peers, Goisard de Montsabert, a young magistrate, read a long discourse upon the alleged abuses committed by the administration in the collection of these taxes. "Individuals," he said, "calling themselves *contrôleurs des vingtièmes*, armed with ministerial orders, are going about the country; they are overrunning many provinces within the jurisdiction of this court;

¹⁸ *Arch. Parl.*, I, 361-367.

¹⁹ *Ibid.*, I, 280.

they address circular orders to the syndics of the parishes. . . ." These orders of which Goislard complained directed that the revenues of the taxpayers be ascertained and assessed at the proper rate. Now, according to Goislard, it was illegal to increase or to reëxamine the assessments of the taxpayers under any pretext whatsoever. He cited a decision of the Parlement rendered in 1778 which said: "Every proprietor has the right to grant taxes either by himself or by his representatives. If he does not make use of this right in the body of the nation, he must make use of it individually. Otherwise he is no longer a tranquil proprietor. Confidence in the personal declarations of the taxpayers is then the only indemnity for the right which the nation has not exercised but has not been able to lose, namely, the right to grant and assess its own *vingtièmes*. The only way to make taxes legitimate is to consult the nation. In default of the nation, the only way to make them supportable is to consult the individuals who pay them."²⁰ When the discourse was finished, the Parlement formally decreed that the increase of the *vingtièmes* parallel with the increase of the revenues of the taxpayers was not authorized by the edict of September, 1787, registered at Troyes, and instructed the *gens du roi* to file an information against the *contrôleurs des vingtièmes*.²¹

Already, however, conditions had become intolerable for the government. By the first of May it was an open secret at Paris and in the provinces that the ministry was preparing to withdraw from all the parlements the right to register royal edicts, declarations, etc., and to confer this right on a "plenary court" composed of men whom the government could influence or control. At the instance of Duval d'Esprémesnil, the Parlement of Paris took notice of these preparations on May 3 and prepared on its side to erect, and take refuge behind, a rampart of public opinion. The Parlement drafted and published a declaration of principles, of which the following is the substance: The ministry is preparing to destroy the political power of the magistracy simply because the latter has resisted the imposition of two disastrous taxes, declared itself incompetent to sanction any taxes whatsoever, solicited the convocation of the Estates General, and demanded the individual liberty of citizens. The purpose of the ministry is to avoid the convocation of the Estates General and to return to the old system of waste and extravagance. It is therefore the duty of the Parlement to make a precise declaration of the principles of the

²⁰ *Arch. Parl.*, I, 275.

²¹ *Ibid.*, I, 278-279.

French monarchy and to defend these principles against the encroachments of arbitrary power. In consequence, the Parlement declares that France is a monarchy governed by the king in accordance with the laws; that the nation has the right to grant the taxes by the organ of the Estates General *regularly convoked and composed*; ²² that the parlements of the kingdom have the right to verify royal edicts, declarations, etc., and to register only those that are in conformity with the fundamental laws of the State; and that every citizen has the right to be free from arbitrary arrest and, when accused of an offense, to be tried without delay by competent judges. From these principles the Parlement will never swerve.²³

In reply, the ministry imprisoned Goislard de Montsabert and Duval d'Esprémesnil by *lettres de cachet*, and ordered the Parlement of Paris to appear at Versailles on May 8 for a bed of justice.

In his speech from the throne, at the opening of the bed of justice, the king denounced his parlements as obstacles to good government and announced in broad outlines a vast program for the reform of the entire judiciary. Then an ordinance, two declarations and three edicts were presented for registration, and the keeper of the seals prefaced each with an explanatory discourse. The ordinance established in each judicial district a certain number of *grands bailliages* with jurisdiction over the majority of civil and criminal cases; an edict upon the "tribunals of exception" suppressed certain courts which had jurisdiction over cases relative to crown lands, waters and forests, customs duties, salt *dépôts*, assessment of the *taille*, etc.; a declaration suppressed certain crying abuses in the administration of criminal justice; a second edict suppressed two Chambres des Enquêtes in the Parlement of Paris; a third created a "plenary court" and invested it with the right of registration in the place of the parlements; and finally a second declaration suspended the Parlement of Paris from the exercise of its functions until the new judicial system could be established.²⁴

Most of these reforms were salutary and under other circumstances would have been commendable; but it was easy to see that Brienne and Lamoignon, like Calonne before them, were bringing forward salutary reforms only to mask their real design, which was to override the resistance of the parlements and rehabilitate arbitrary government. Should they succeed with their "plenary court," they would be

²² These words are very significant.

²³ *Arch. Parl.*, I, 284-285.

²⁴ *Ibid.*, I, 294 *et seq.*

able to escape from their financial embarrassment by floating loans and by imposing taxes upon the privileged classes.

The "plenary court" was, then, the essential part of the ministerial program. The nucleus of this creation was to be the Grand' Chambre of the Parlement of Paris, a group of elderly magistrates who could be depended on to be conservative. To these were to be added the princes of the blood, the peers of the realm, either the chancellor or the keeper of the seals, the grand almoner, two councilors of honor born, the grand master of the household, the grand chamberlain, the grand equerry, two archbishops, two bishops, two marshals of France, two governors, and two lieutenants-general of provinces, two chevaliers of the orders, four other persons of quality, six councilors of state, four masters of requests, a president or a councilor from each of the provincial parlements, two councilors from the Chambre des Comptes and two from the Cour des Aides of Paris, and the captain of the royal body-guard. No quorum was necessary for the transaction of business. If more than half of the magistrates should absent themselves, the king would fill their places by appointing councilors of state and masters of requests from his own council.²⁵ Thus composed, the "plenary court" could hardly fail to be under the control of the government.

Opposition to the "plenary court" was encountered at once from various quarters. The president of the Parlement of Paris, when his turn came to speak at the bed of justice, solemnly protested against the registration of the edicts, ordinances, and declarations and announced that none of his company would accept places in any judicial body other than the Parlement itself. "Sire," he said, "everything forebodes a total innovation of the constitution of France. . . . The demand of your parlement that taxes be deliberated on and consented to by the nation legally assembled in Estates General, *regularly convoked and composed*, ought not to be the motive for the illegal innovation with which the entire magistracy is threatened." On departing from the bed of justice, the magistrates of the Grand' Chambre wrote the king a letter in which they declared that it was impossible for them to accept any of the functions attributed to them by the new decrees, and the peers announced their intention to protest to the king against the creation of this court in which the ministry had assigned them places contrary to their will. So the ministry, confronted by opposition, divided

²⁵ *Arch. Parl.*, I, 314.

in opinion, and embarrassed by the habitual indecision of Louis XVI, showed marked hesitation from the first and in the end never completed the appointment of the members of the "plenary court." Matters were simply allowed to drift, while in the provinces the parlements and the nobility organized revolts, and at Paris the clergy of France, assembled in extraordinary session, drafted and published remonstrances.

The opposition of the clergy was a sore disappointment to Brienne. Before his advent to power, he had been one of the most influential members of this corporation, and now as minister he hoped to obtain from it several million livres as a *don gratuit* and also moral support for his policy. But when representatives of the clergy assembled at Paris in May, he could hardly recognize his old colleagues. They were in a high state of irritation because M. Lambert, controller general of finances, had instructed the provincial assemblies to make an estimate of the ecclesiastical revenues with a view to the assessment of the *vingtièmes*. Instead of sympathy, therefore, Brienne met with vehement opposition. Under the leadership of Thérmines, bishop of Blois, the assembly declared that its first duty was to express an opinion on public affairs. In consequence, before considering a *don gratuit*, it appointed a committee of fifteen to draft remonstrances. On June 15 two long remonstrances were submitted to the king and at the same time published. These denounced the decrees of May 8 and defended the "rights, franchises and immunities of the clergy."²⁸

Meanwhile, under the presidency of the appropriate intendants and commandants, the May decrees had been registered in the other parlements of the kingdom; but in each case the enforced registration had been the occasion of an indignant protest from the parlement concerned, and the provincial nobility, tenacious of its dignity and privileges, made common cause with the provincial magistracy. There were disorders at Bordeaux, Toulouse, and Dijon, but the most serious disturbances occurred at Rennes, Pau, and Grenoble.

At Rennes, the registration was enforced on May 10, and the parlement was commanded to discontinue the exercise of its functions until the new judicial system could be established. On departing from the Palace of Justice, the commandant and the intendant were attacked by the populace in the street and forced to take refuge in the commandant's *hôtel*, which was straitly besieged for several days. The

²⁸ *Ibid.*, I, 373-384.

Breton nobility, which was at the head of the insurrection, sent a deputation to the king to demand that the constitutional privileges of the province be respected. The provincial estates were not in session, but the "commission intermédiaire," in which the nobles predominated, also sent deputies to Versailles to demand the withdrawal of the troops and the offending decrees. The parlement, which had effaced itself for several days, took courage to meet again, without royal permission, on May 31. It declared the registration of the decrees illegal and null, forbade all persons to obey or to take notice of them, and denounced the authors of them as traitors to the king and the nation. For this act of disobedience and rebellion the parlement was ordered into exile by *lettres de cachet*, but the nobles of the province continued to keep up the agitation. Through all the disturbances the printing-press was requisitioned to spread the spirit of insubordination and rebellion.

At Pau the decrees were duly registered on May 8 and the parlement suspended. But the spirit of insubordination was rife. The nobles spread the rumor among the peasants that the king was about to overwhelm the province with new taxes. The result was an insurrection of the peasants, who, under the direction of mysterious leaders, "captured" the city of Pau on June 19 and invited the parlement to resume its functions. The parlement complied with the request, and straightway the insurrection subsided; but, once assembled, the parlement took occasion to declare the registration of the May decrees illegal and null, to forbid all persons to obey or to take notice of them, and to denounce the authors of them as traitors to the king and the nation "and as such outside the protection of the law." At every step the printing-press was used, as in Brittany, to spread the spirit of insubordination and rebellion. The publications demanded that the decrees be abrogated and the privileges of the province be respected.

At Grenoble, the registration was enforced on May 10 and the parlement suspended. Thereupon a few nobles met in the city and sent three deputies to Versailles to demand the revocation of the decrees, the reestablishment of the old estates of Dauphiné, and the convocation of the Estates General. When they adjourned, they left a permanent committee of six to represent them in their absence and to convoke them again should circumstances require. On May 20 the parlement met without royal permission and declared that if the decrees were not revoked, "Dauphiné would regard itself as disengaged from its oath of fidelity to the sovereign." For this act of disobedience

and rebellion, the parlement was ordered into exile by *lettres de cachet*; but the populace of Grenoble, assisted by bands of peasants who had been persuaded that the parlement was being punished for having resisted an increase of taxation, opposed the departure of the magistrates, attacked the troops in the streets, and compelled the commandant to reinstate the parlement. On June 14 the committee of six, mentioned above, convoked the nobles and higher clergy of the city and environs, the municipal officers, and the most distinguished members of the third estate, to consider the advisability of convoking, without royal permission, a general assembly representing the three orders of the province. The convocation of such an assembly would be an act of disobedience and rebellion and, to succeed, would need the enthusiastic support of all three orders. The clergy and the nobility were unanimously in favor of it, but the third estate held back. Finally one of the nobles said: "Of course the deputies of the third estate will be equal in number to those of the other two orders combined."²⁷ So the third estate sent a "double representation" to the assembly of Vizille on July 21, and the printing-presses spread the news of the "fraternal concord."

These disturbances in the provinces were a source of great perplexity to Brienne and his colleagues. Well aware that Louis XVI was opposed to the exercise of severity against his subjects and that the provincial commandants were in sympathy with the insurgents, the ministry could do no more than issue a solemn warning to the nation.²⁸ But the only effect produced upon the public mind by this ministerial manifesto was an increased contempt for the royal administration. Because of the words "comme si" which appeared a dozen times in the document, the wits of the day called it the *Arrêt des Comme Si* and at Paris women wore their bonnets *comme si*,²⁹ that is to say, in a ridiculous manner.

Thus by the end of June, 1788, the aristocratic revolt seemed in a fair way to succeed. Arbitrary government, directed by ministers who lacked wisdom and defended by soldiers who lacked the spirit of obedience, found itself powerless to suppress disorders or to collect taxes. The king was face to face with the hard necessity of choosing

²⁷ Chérest, *La chute de l'ancien régime*, II, 16.

²⁸ *Arch. Parl.*, I, 352-354.

²⁹ Lescure, *Correspondance secrète inédite sur Louis XVI, Marie-Antoinette, la cour et la ville de 1777 à 1792* (Paris, 1886), II, 273, 275. *Journal général de l'Europe* (1788), No. 81, p. 76.

between the convocation of the Estates General and a declaration of bankruptcy. But the weakness of the opposition lay in this, that, in wringing concessions from the king by grasping the purse-strings, the privileged classes were actuated by purely selfish motives ; they were chiefly bent on the protection of their pecuniary privileges and on the increase of their political importance, to the detriment of the rest of the nation. Herein they differed in spirit from Pym and Hampden, Eliot and Coke, and herein lay the possibility of a new maneuver on the part of the ministry.

CHAPTER II

DIVIDE ET IMPERA

After it had become evident that the execution of the decrees of May 8, 1788, was impossible, thanks to the opposition of the privileged classes and to the spirit of disobedience in the army, the royal council began to consider the possibilities of a new maneuver. The convocation of the Estates General had been promised, but the composition and organization thereof had not yet been determined. This point could be raised now with embarrassing implications. How should the elections be conducted? What should be the qualifications for suffrage? What should be the number and the qualifications of the deputies? Should the representation of a province be in proportion to its wealth and population? How would it be possible to avoid compromising the rights and privileges of certain provinces and cities? How could the influence of the two first orders be sufficiently balanced with that of the third estate? If the privileged classes, embarrassed by what these questions implied, could be induced to relax their opposition and seek a *rapprochement* with the king, as the Parlement of Paris had done in November of the preceding year, the royal ministers might reasonably hope, by floating loans and extending taxes, to extricate the government again from its financial difficulties and in the end avoid the convocation of the Estates General. In case, however, the privileged classes should remain obdurate, the ministers had another string to their bow: they would name a day for the meeting of the Estates General, suspend until then the payment of government obligations, wink at violations of the censorship, and clear the stage for a great national controversy over rights and privileges. In the background lurked always the possibility that the privileged and the non-privileged classes would never be able to agree on the question of composition and organization and in consequence the Estates General would never meet or, if they should meet, they would be rendered innocuous by inter-class quarrels.

Among the hundreds of pamphlets published in 1789, there is one entitled *Plan de conduite donné à l'archevêque de Sens, principal min-*

istre, au mois de juin 1788, dont l'original en chiffre a été trouvé chez lui. In the preface we read: "This plan of conduct was constantly under the eyes of the Archbishop of Sens [Brienne] and formed the continual object of his meditations. Every time one entered his apartment, every time one found him alone, one saw him reading a paper filled with ciphers, with a few words intercalated. The discovery of the original paper has explained the object of his meditations. Since it is interesting to know what snares were set at that time, we have deemed it advisable to publish this project, printing the plan in cipher precisely as it appears in the original and alongside of this an explanation of the cipher." Then follows what purports to be a decipherment of the document. Here is the summary of it:

The "plenary court" has been a failure; violence makes martyrs. The methods of Richelieu having now been tried, there remain those of Mazarin. "He promised, he announced, but he did not *hold* the Estates General." To escape from present embarrassments, proceed as follows: Threaten the privileged classes with the loss of their traditional preponderance in the Estates General; let the people see that the present insurrection is directed against the equitable distribution of taxes; announce that there is but one way to protect the third estate from the oppression of the two first orders, namely, double representation and vote by head; convince the king that this preponderance of the third estate is necessary in order to compel the privileged classes to surrender their exemptions from taxation; stir up the privileged classes to oppose this preponderance and, on the other hand, encourage the third estate in its expectations, until the class struggle has passed beyond the point where reconciliation is possible; then temporize and, if need be, recall Necker, who will know how to find money. Since there is a cry against the Bastille, open it; since there is a demand for freedom of the press, wink at violations of the censorship and laugh about it. The public hostility which now embarrasses the government will be turned against the privileged classes; and, by reason of talking and listening to talk about the Estates General, France will become disgusted and all will end like the Fronde. Second method: Call together the provincial estates and the provincial assemblies; arouse all the local jealousies; sow dissension everywhere. Then the Estates General may be convoked with impunity, for they will accomplish nothing.

In the absence of any motive for forgery (in 1789!), this pamphlet may well be what it purports to be, a secret memorandum handed to

Brienne in June, 1788, by an influential adviser and inadvertently left in the drawer of his desk when he suddenly fell from power on August 25. Faith in its authenticity is strengthened by the fact, obvious on comparison, that the policy of the government as announced in July and August is in striking conformity with the advice here given.

The first instalment of this policy is to be found in the decree of July 5, which, condensed and slightly interpreted, may be made to read as follows:

No sooner had the king announced his intention in November, 1787, to convoke the Estates General than he instituted researches in order to ascertain how the convocation could be made regular and useful to his people. From the reports received up to the present, it appears that a wealth of information can be gathered from the records relative to the activities of the Estates General when once assembled, but only meager and contradictory information relative to the formalities which precede and accompany the elections. Sometimes electoral writs have been addressed to the bailiffs and seneschals, and at other times to the provincial governors. In 1614 the bailiwick was taken as the electoral district, but not for all the provinces. Since 1614 changes have taken place in the number and the circumscriptions of the bailiwicks, and several new provinces have been added to France. The latter naturally have no tradition or custom relative to the Estates General. Finally, no positive information can be found relative to the conduct of the elections or relative to the number and the qualifications of the electors and the deputies. If these questions are not settled in advance, the king fears that the elections may give rise to contests; that the number of deputies may not be in proportion to the wealth and population of the different provinces; that the rights and privileges of certain provinces and cities may be compromised; that the influence of the three different orders may not be sufficiently balanced; that the number of deputies may be either too great or too small, which would cause trouble and confusion or prevent the nation from being sufficiently represented. His majesty will always seek to follow old customs; but, when these can not be ascertained, he will supply the omissions in the records by calling, prior to any decision on his part, for the views and sentiments (*vœux*) of his subjects, to the end that his subjects may have full confidence in an assembly which is intended to be truly national in composition and purpose.

In consequence, the king calls for all the researches possible in the depositories of each of the provinces relative to the questions here raised. In the cities and communities where elections are likely to be held, the municipal authorities are required to ransack their archives for documents illustrative of these matters and to send such documents as may be found to the syndics of the provincial estates and provincial assemblies. Officials of the various seats of justice are required, and individuals are invited, to do the same. The syndics and executive directories (*commissions intermédiaires*) will study the documents submitted to them, make researches on their own account if deemed necessary, and prepare reports for submission to their respective assemblies and estates. On receipt of a report the assembly (or the estates) concerned will form an opinion (*un vœu commun*) and address to the keeper of the seals a memorial containing an expression of this opinion. If, in any assembly, there is diversity of opinions, the king desires that all the different opinions be expressed, together with the reasons for the same, and subjoined to the general memorial of the assembly. Finally, all the scholars of the realm, and particularly the members of the Académie des Inscriptions et Belles-Lettres of the good city of Paris, are invited to submit directly to the keeper of the seals reports, projects, and memorials. It is to be expected that the quest for information will be finished and the reports turned in by the end of February, 1789, when, under the direction of the keeper of the seals, the final synthesis will be made and placed under the eyes of the king, who will then be in position to determine the exact procedure for the convocation of the Estates General.¹

In response to the call for information, letters, projects, and memorials began without delay to arrive at the chancery. On July 8, the very day the decree was published, a certain M. Thoumin, of Paris, addressed a letter to the keeper of the seals, offering to make extracts from 188 works which he knew to exist in the "library of P. Lelong." The offer was accepted and the correspondence in regard to it was placed in a *dossier* and marked "No. 1."² As later communications were received, they were placed in similar *dossiers* and consecutively numbered. On turning through these *dossiers*, now no longer systematically arranged, one runs across many naïve suggestions. For instance, on July 23, M. Grandidier de Cautraine, of Château-Thierry,

¹ Brette, *Recueil de documents relatifs à la convocation des états généraux de 1789* (Paris, 1894), I, 19-23.

reported that he had in his library "the large historical dictionary of Moreri, printed in Amsterdam in 1688," which gave, under the words "Champs-de-Mars" and "Etats," a lot of information concerning the Estates General. He offered to lend this dictionary to the king as well as another publication entitled *Grand vocabulaire français*.³ On July 26 the Abbé Bégart wrote from his Paris address to suggest that the king offer a prize for the best essay on how to hold the Estates General.⁴ Here, under date of July 15, is a lengthy memorial from M. Riche, director of the royal domains at Soissons; ⁵ another, under date of July 27, from M. Rouzet, advocate at the Parlement of Toulouse ⁶—to mention only a few among many. Clerks of the chancery placed these memorials in *dossiers* and wrote on the folders of the most important ones brief sketches of the authors and résumés of the contents.

The officials who were *required* by the decree to make researches in the archives of their various jurisdictions began their task, in some places at least, in July and August. The municipal officers of Paris began their research on July 29 and in August submitted to the keeper of the seals a great number of documents arranged in seven categories.⁷ On July 21 the executive directory (*commission intermédiaire*) of the assembly of the Île de France sent the decree to the subordinate assemblies of the province with instructions for conducting the quest.⁸ On August 9 M. Laurency, "premier échevin de la ville de Houdan," wrote: "We have made the most careful researches in the registers and papers of the *hôtel de ville* of Houdan for documents concerning the convocation of the Estates General and the elections held in consequence. We have found none. . . . If I discover any old man of the country who has knowledge of such, I shall have the honor to inform you."⁹ Thus, sporadically at least, the official quest for information was getting under way by the end of August.

In response to the decree, pamphlets also began to make their appearance in the book-stalls, where they were sold to the public at prices varying from a few sous to a livre or more. But, possibly from a lingering fear of the censorship, which had not been formally re-

³ Arch. Nat., B^A 3.

⁴ Arch. Nat., B^A 2.

⁵ Arch. Nat., B^A 5.

⁶ Arch. Nat., B^A 6.

⁷ Chassin, *Les élections et les cahiers de Paris en 1789* (Paris, 1888), I, 17-18.

⁸ Arch. Nat., B^{III} 168, pp. 802-806.

⁹ Arch. Nat., B^{III} 168, pp. 769-770.

laxed, pamphleteers preferred for the most part to take refuge in anonymity. The products of their pens simply appeared from nowhere in particular, usually without any indication of the date of publication. The public appetite for this sort of pabulum must have been considerable, for printers brought out second and even third editions, and, as if to make up for the shortage of supply, the same pamphlet was sometimes brought out under different titles.¹⁰

Of the early pamphlets, the most ambitious were long historical treatises on the national assemblies of France from the mythical king Pharamond down to Louis XIII, written avowedly in response to the call for information. Fragment by fragment, the authors turned over the débris of the past ages in quest of the lost constitution. One of them found it,¹¹ in its pristine purity, in the early centuries of the monarchy. In those days, this pamphleteer discovered, the nation assembled annually, at first in the month of March and afterwards in the month of May, to decide such questions as peace and war, the levy of taxes, presents or free gifts to the king, various sorts of legislation, complaints against the king and his officials, criminal cases, and civil contests. To these assemblies came the clergy, the dukes and counts, citizens of the towns, and soldiers. "Thus the most numerous, the most industrious, the most useful part of the nation, the part now designated under the name of third estate, formed an integral and necessary part of these assemblies." But the old constitution of France disappeared with the coming of the Northmen and the establishment of feudalism. "Toward the end of the second dynasty there was no longer any monarchy; there was only an aristocracy." The old constitution had been replaced by an infinity of bizarre customs by which France was still governed in 1788.

Others, however, found the constitution precisely where the above writer lost trace of it, that is to say, in the fourteenth century. Since 1302, it is true, "the form of the Estates General has varied much; so has the method of electing deputies; so has the distribution of deputies among the provinces. Sometimes the cities alone sent deputies; sometimes the bailiwicks alone; sometimes both the cities and the baili-

¹⁰ For example: *Des états généraux, de leur forme et de la cause de leur convocation* (S.l., 1788, Pp. 116). The same pamphlet appeared under two other titles: *Forme et cérémonial des états généraux et cause de leur convocation; contenant un recueil historique de tous les états généraux tenus par les rois de France* (S.l., 1788, Pp. 80), and *Précis historique sur les états généraux* (Genève et Paris, 1788, Pp. 116).

¹¹ *Essai sur les états généraux et avis à la nation* (S.l., 1788).

wicks; sometimes the provincial estates have also had their representatives with those of the cities and bailiwicks. At certain Estates General there have been deputations from provinces, which, though already annexed to France, did not have representatives at preceding Estates General; and, at the same time, deputations from provinces which, though previously represented, ceased to have deputations at subsequent Estates General. It is difficult to give any reason for these differences other than the convenience of the moment and the will of the prince. It seemed to be regarded as a matter of little importance whether such or such a petty province was represented or not, so long as the nation was sufficiently represented."¹²

Despite this lack of uniformity, was it not possible to work out a rather detailed method of procedure as regards the election and the composition of the Estates General, for which ample precedents could be cited? Several pamphleteers thought so, and proceeded to explain how the writs of convocation were to be sent out and how the elections were to be conducted; how the cahiers were to be drafted; how the deputies were to deliberate and vote in the Estates General; what ceremonies were to attend the opening and the closing of the assembly. To be constitutional, they discovered, the deliberations would have to be by order and not by head; but, in case of disagreement or for any reason at all, the three orders might confer with each other. At the opening and closing ceremonies, they were of course to assemble and sit together in the same hall.¹³

Still other delvers into the past, though they sought diligently for the lost constitution, failed to find anything that could be so labeled. Such writers either stopped short when their historical task was done¹⁴ or else pointed out in conclusion the hopelessness of the undertaking. "It is a vast space," writes one, "covered with shapeless materials and Gothic ruins, where no order of architecture or satisfying proportions can be found." All this débris would have to be cleared

¹² *Des états généraux et de leur convocation* (Villefranche et Paris, 1788. Pp. 88), pp. 41-42. Cf. *Recherches curieuses et instructives sur les états généraux* (Amsterdam et Paris, 1788. Pp. 95), pp. 3, 7.

¹³ *Des états généraux et de leur convocation*, pp. 44-45, 48 et passim. *Recherches curieuses et instructives*, p. 7 et seq. *La France régénérée* (Londres et Paris, 1788. Pp. 35). *Mémoire sur les états généraux* (Lausanne et Paris, 1788. Pp. vi + 188. By the Abbé Desprez).

¹⁴ *Précis historique sur les états généraux* (Genève et Paris, Pp. 116). *Coup d'œil rapide ou notice historique sur les assemblées des états généraux du royaume* (Amsterdam et Paris, 1788. Pp. 145). *Recherches sur les états généraux* (S.l.n.d. Pp. 60).

away before a solid edifice could be erected worthy of the philosopher and legislator, and made suitable for the accommodation of the representatives of the nation.¹⁵

Meanwhile pamphlets not primarily historical in their nature testify to the diversity of opinion that was arising, as a consequence of the decree, during August and September.

The division of the Estates General into three distinct orders, wrote one pamphleteer in substance, is the radical vice of our present constitution. It permits corporate interests to prevail over the national interest; it permits the privileged classes to shift taxation upon the class least able to pay; it permits fifty to sixty thousand individuals to control the destiny of twenty-four million. The vice can be eradicated only by giving the Estates General a new form and composition. The clergy and the nobility should be united in a single chamber, because their interests are identical. The third estate, on the other hand, is the nation or almost the entire nation, and should have in consequence a voting power in the Estates General sufficient at least to bring about an equitable distribution of taxation. According to the bicameral system, if a new tax is proposed, or the augmentation of an old one, or the prolongation of one already in existence, or any law whatsoever, the proposition will be discussed by each of the two separate chambers; if adopted by a majority of votes in one chamber and rejected by a majority of votes in the other, the proposition is lost; but, if adopted by a majority of votes in each chamber, it becomes law when approved by the king. In case the upper chamber should ever, by stubborn opposition, undertake to veto wholesome and necessary legislation, it would promptly be brought to a sense of its duty by an outburst of popular indignation seconded by the support of the monarch. This system has long been in successful operation in England. The English Parliament, so extolled in France, is nothing more than the Estates General of the English nation developed into the bicameral system.¹⁶

In the second edition of his pamphlet the author added: "If the union of the clergy and nobility in one chamber does not seem feasible at the present moment, the next best thing would be a system by which

¹⁵ *Des états généraux ou histoire des assemblées nationales en France . . .*, par M. Delandine (Paris, 1788. Pp. xxii + 279), p. xv.

¹⁶ *Considérations intéressantes sur les affaires présentes*, par M*** (seconde édition, Londres et Paris, 1788. Pp. 207), pp. 30-32, 67-77. Cf. *Véritable patriotisme* (S.L., 1788. Pp. 40), pp. 32-34.

the votes will be counted by head and not by order, and the third estate given as many deputies as the clergy and nobility combined, as has already been so wisely done in the case of the provincial assemblies. But it is indispensable, if we desire the weal of the State, to adopt one or the other of these systems." ¹⁷

On July 31, Delacroix, an eminent lawyer of Paris, had a pamphlet ready for the press, which in August he published anonymously and later acknowledged. In his "preliminary discourse," he mentioned the fact that many jurists, academicians, and enlightened citizens were busily engaged in the search for information relative to the Estates General; but, in his opinion, such research was of doubtful value, because it would give rise to tedious debates and occasion delays prejudicial to the general welfare. More anxious to be useful than to appear erudite, he himself would only endeavor to simplify the operation—by discarding precedent.

Preceding Estates General, he thought, could not be taken as models, for various reasons. No two sessions had ever been alike. Since the last, convoked in 1614, new provinces had been added to France; there had been a change in the social status of proprietors, due to the abuse of privileges and favors; and a vast amount of enlightenment had been acquired by a class of citizens too long counted for nothing in the nation. Moreover, the next Estates General would have to deal not only with the proper distribution of taxes but also with the legislation of a great empire. The deputies then needed to be men who could rise above corporate interests and immolate themselves to the public welfare.

The following is what he proposed: The thirty-two *gouvernements* into which France was divided should be taken as electoral districts. Each village should choose, from the class of principal cultivators, an elector for every one or two hundred families. Each city should choose three electors—a merchant, a member of the clergy or the nobility, and a non-privileged proprietor. These electors for the villages and the cities should repair to the chief town of the electoral district and there choose ten deputies to the Estates General—two for the clergy, two for the nobility, and six for the third estate. In this way, the interests of agriculture, of commerce, of the nobility, and of the clergy would be taken care of.

The 320 deputies thus elected should assemble at Paris in the École

¹⁷ *Considérations intéressantes*, p. 200.

Militaire, or in some other commodious building set apart for the purpose, and straightway divide themselves by lot into ten bureaux of thirty-two deputies each. The president of each bureau should be the oldest member present of the clergy or nobility, and to each bureau should be submitted for deliberation the following ten questions: How to balance the receipts and the expenditures of the royal treasury; how to constitute the provincial assemblies; what to do with the privileges and pretensions of the various provinces; how far to reduce the privileges of the clergy and nobility; how to commute the *taille personnelle* into another form of taxation; how to commute the *corvée* into a money payment; what to do with the militia system; how to extirpate mendicity; whether the *grands bailliages* should be continued with the civil and criminal jurisdiction attributed by the decrees of May 8; and finally whether there should be a court to register royal edicts, declarations, etc., and how it should be composed.

Besides these ten bureaux, there should be formed an eleventh, separate and distinct, as a sort of upper chamber. It should be composed of thirty-two members elected by an assembly of the princes, dukes and peers, and bishops. Its function should be to review the decisions of the other bureaux. A decision rejected by the eleventh bureau would be referred back to the other bureaux with reasons for rejection, but if readopted by as many as six of the other bureaux it would form the national will notwithstanding the rejection of the eleventh bureau. Three months would suffice for the transaction of all the necessary business, and thereafter the Estates General thus composed would be convoked every five years.¹⁸

Thus varied the nature of the responses, both manuscript and printed, during the summer months of 1788. But readiness to respond can not be construed as evidence of confidence in the men who had tried to establish the "plenary court." Quite the contrary was often the case. "When I composed my memorial on the Estates General," wrote Delacroix in October, "I did not believe in the reality of the next assembly. I feared that the ministry wished only to cast a sort of charm over the agitated nation and appease its troubles by a false hope. I suspected that the purpose of the ministry, when it made such a general request for information concerning the manner of convoking

¹⁸ *Mémoire sur la prochaine tenue des états généraux et sur les objets qui doivent y être mis en délibération*, par M. D. L. C. (Villefranche et Paris, 1788. Pp. 15). This pamphlet went through several editions, some of which bear the author's name.

the Estates General, was to create so many difficulties, so many controversies, that it would appear impossible to produce this august course of all the provinces and to bring the divided parts of the vast empire to an assembly so much desired."¹⁹

Similar expressions of suspicion and distrust can be found in many pamphlets and elsewhere, offset nowhere by expressions of confidence. An anonymous pamphleteer writes:

This decree is only a maneuver to avoid the convocation of the Estates General. . . . If the spirit of the ministers were less known, we might believe that the purpose of the decree was to enlighten the nation concerning its rights; but the nation has been too well enlightened by the past conduct of the ministers to be deceived about their intentions. They have wished to turn public attention to events of little importance, events covered by the mists of antiquity; they have wished to give the enlightened spirits of the nation, who are capable of teaching the nation its rights, something else to do; they have wished to distract the officials of the communities and jurisdictions, and the executive directories of the provincial assemblies and estates, with a bauble. While scholars, magistrates and others fatigue themselves in the pursuit of obscure and unimportant facts in the darkness of past centuries, the ministers will quietly complete the well calculated system of despotism embodied in the decrees of May 8. When they invited all the scholars of the kingdom to submit reports and memorials, the ministers foresaw that a multitude of persons would pretend to this quality and, seeing themselves called to the honor of enlightening their country, would inundate France with writings. The ministers hoped that all these writings would make the truth more obscure and the nation less insistent in its demand for the Estates General, and raise difficulties of form which would afford a plausible pretext for eluding the convocation. The ministers have ordered the executive directories to make investigations, to submit reports, to give reasons and motives for differences of opinion, in order to create friction and division among the provinces over the number of deputies to which each province is entitled; they have wished to encourage the pretensions of the provinces, to disunite and enfeeble their forces, in order to refuse all their demands on the pretext that demands can not be granted until they are clearly formulated. If the ministers had sincerely wished to assemble the Estates General, they would have revoked the decrees of May 8; they would have fixed an early date for the meeting; they would have followed the procedure that seemed to them most just. . . . If this convocation had been defective, the Estates General themselves would have rectified it.²⁰

¹⁹ *Second mémoire de M. de La Croix, avocat au parlement, sur la tenue des états généraux* (S.I.n.d. Pp. 16), p. 3.

²⁰ *Observations sur l'arrêt du conseil du 5 juillet 1788* (S.I.n.d. Pp. 3). Cf. *Les droits du peuple* (S.I.n.d. Pp. 22), pp. 12-15; *Lettre d'un citoyen à M. le comte d****

Thus, as the royal ministers must have foreseen and desired, the decree of July 5 was raising a controversy over the composition and organization of the Estates General; but, because of the general suspicion and distrust of the ministry, the privileged classes had no reason to feel apprehensive about the consequences. No Duval d'Esprémesnil called on Lamoignon, as in November of the preceding year, to suggest a compromise on the basis of a series of successive loans or on any other basis. So the first string of the ministerial bow had been twanged without result.

In a fragment of his *Mémoires*, written two or three years after the events described, Brienne tells us that during these critical days the Comte d'Artois sent for him and urged the reestablishment of the parlements,²¹ which would have entailed as a corollary, of course, the convocation and composition of the Estates General in the traditional manner. "I also received," Brienne adds, "the same proposal from some of the magistrates."²² But the ministers refused to surrender. To quote further from the *Mémoires*:

My character is mild and conciliatory, but I did not believe that the king ought to yield. I was deaf to all propositions requiring sacrifices which seemed to me unreasonable. Moreover, my opinion was, as is implied in all the royal responses, that sacrifices should be made to the nation rather than to corporations which I have always considered enemies of the nation, usurpers of its rights, occupied solely with their own interests, and veritable scourges of a good government. So I made up my mind, and I said to myself: "It is necessary to take the plunge (*il faut en finir*) and no longer think of delaying the Estates General.

sur la conduite du ministre principal, sur l'arrêt du conseil du 5 juillet 1788 et sur l'autorité des états généraux (S.l.n.d. Pp. 20), pp. 8-9; *Opinion motivée d'un seul conseiller des enquêtes du parlement de Bretagne* (S.l.n.d.).

²¹ Jean-Louis Soulavie, *Mémoires historiques et politiques du règne de Louis XVI depuis son mariage jusqu'à sa mort* (Paris, 1801), VI, 240. For the authenticity of this document, see Jules Flammermont, "Le second ministère de Necker," *Revue historique*, XLVI, 11.

²² Soulavie, *op. cit.*, VI, 240. This statement is partially confirmed by other evidence. On July 18 M. d'Aligre, first president of the Parlement of Paris, dined at Versailles with Breteuil, minister and secretary of state for the capital. About the same time M. de Nicolai, first president of the *grand conseil*, was summoned to Versailles for a conference, but his responses were not satisfactory to the ministers. On August 8 M. d'Aligre was back at Versailles, dining this time with Brienne himself, which gave rise to a rumor that a compromise had been reached. But appearances were deceptive. *Gazette de Leyde* (1788), Nos. 59, 61, 68, 69. Lescure, *Correspondance secrète*, II, 277, 279. "Mes loisirs ou Journal d'événements tels qu'ils parviennent à ma connaissance, par le libraire parisien, S.-P. Hardy," under date of August 8-9, 1788 (Bibliothèque Nationale, MSS., No.

Perhaps their announcement will calm this general interest for the parlements. Fixing a date for their meeting will render the plenary court useless, which, from a misconception of the measure, has excited so many protests. At the same time, whatever has been done for the reformation of justice is so advantageous, so just in itself, that the Estates General will rather add to than take away from it. . . ."

My wish was for a double representation of the third estate and vote by head, principles which I had admitted into the provincial assemblies and which I was admitting into all the provincial estates then in the process of formation. My further wish was to establish, in the course of time, as many provincial estates as possible. Those of Dauphiné were agreed to, and their establishment took place after my departure from office precisely as I had arranged it. Franche Comté was on the point of following suit, and I hoped to conquer the resistance of the nobles. Normandy was in motion. A part of the kingdom would have been erected into provincial estates on the plan of the provincial assemblies with double representation for the third estate and vote by head. They would have named their deputies to the Estates General. The elections by bailiwicks would not have taken place.²³

These explanations reveal Brienne's uncompromising opposition to the demands of the privileged classes for the Estates General composed in the traditional way; they also reveal his gropings for an organization that would preclude the possibility of the privileged classes playing the preponderant rôle in the next Estates General; but they do not carry the conviction that he desired or intended to convocate the Estates General in any form at an early date. Moreover, a close study of his administration leads to the conclusion that he was not, in July and August, the dominant figure in the royal council which his free use of the personal pronoun would seem to imply. Others, notably Lamoignon, formulated the plans and policies of the government; these subordinates were determined in the present emergency to do no more than fall back on the second string to the ministerial bow.

On August 8 the royal council fixed May 1, 1789, as the day for the meeting of the Estates General, postponed until then the establishment of the "plenary court," and renewed the call for information.²⁴ But the preamble of the decree distinctly announced that the measures inaugurated on May 8 for the reformation of justice would not be suspended, and, as if to give point to this announcement, orders were

²³ Soulayie, *op. cit.*, VI, 240, 243.

²⁴ Brette, *op. cit.*, I, 23-25.

issued on August 9 for the liquidation of the judicial offices which had been suppressed.²⁵

On sending a copy of the decree of August 8 to his government, the British ambassador at Paris wrote :

It might have been expected that this compliance with the wishes of the Nation would produce a general satisfaction and have a great effect upon the Minds of the People, but hitherto it seems to have operated very little in favour of Government, for the Funds, which is the only criterion of public faith, rose only two pr. ct. on the first day, and have continued sinking ever since, hence it is evident that the Principal Minister enjoys but a small share of the public confidence and that there still remains an apprehension, notwithstanding the solemn engagement conveyed by the King's Edict, that the Minister will yet have recourse to some subterfuge to postpone the important movement which, he thinks, may very likely prove fatal to the power He now enjoys. It is beyond a doubt that both the Archevêque de Sens and the Garde des Sceaux have rendered themselves very obnoxious to the great part of the Nation, and that a strong opposition to the measures of Government will prevail, as well as every means employed to inflame the minds of the people, so long as those two ministers are known to possess the confidence of their Sovereign.²⁶

After commenting on the decree in a similar manner, another contemporary observer adds :

In the midst of this very equivocal state of affairs, when all the minds are fluctuating between anxiety and hope, people refresh themselves, or rather seek distraction from their troubles, by reading the different pamphlets which appear daily upon current events and of which some are making the most lively sensation at Paris. People are eagerly reading, among other things, the minutes of the assembly of Vizille under date of July 21 ; a letter from the estates of Béarn to the king, in which they remonstrate to his majesty that their parlement, having nothing to do at Versailles and its duty being to administer justice, will not obey the orders which it has received ; a pungent brochure entitled *Esprit des édits enregistrés militairement au parlement de Grenoble*,²⁷ etc. But these minutes, letters and brochures are as nothing in comparison with the memorial which has been submitted in the last place to the king, with this

²⁵ *Arch. Parl.*, I, 357. Lescure, *Correspondance secrète*, II, 279. *Gazette de Leyde* (1788), No. 69.

²⁶ Oscar Browning, *Despatches from Paris, 1784-1790* (London, 1910), II, 86-87.

²⁷ By Barnave, "avocat au parlement de Grenoble." For a discussion of this pamphlet and its influence, see E. D. Bradby, *The Life of Barnave* (Oxford, 1915), I, 44-48.

epitaph: "I have rendered testimony to truth in the presence of kings and have not been confounded."²⁸

In the face of this rising tide of distrust and defiance, the royal ministers, with no thought of surrender to the privileged classes, advanced perforce to the next item on their program, namely, suspension of payments. "Public confidence has been impaired," we read in the preamble of the decree of August 16, "by the very people who ought to have concurred in sustaining it; public loans have been opposed on the ground that they were not necessary and discredited on the ground that reimbursement was uncertain. . . . In the midst of these difficulties, the king has not despaired of the public fortune; he has considered that if the distress is great, the resources are greater still. . . . The meeting of the Estates General being near at hand, it is a question only of provisional arrangements which ought to be followed by a universal restoration." The articles of the decree provided for the postponement for a year of the reimbursement of loans and other obligations falling due, and for the payment of current expenses partly in money and partly in treasury notes bearing 5 per cent interest but without indication of the date of maturity. Annuities above 1,200 livres and salaries above 3,000 livres were to be paid at the ratio of three fifths in money and two fifths in treasury notes; annuities between 500 and 1,200 livres, salaries between 1,200 and 3,000 livres, and certain interest charges were to be paid at the ratio of five eighths in money and three eighths in treasury notes; annuities below 500 livres and salaries below 1,200 livres were alone to be paid in money.²⁹ Hailes of the British embassy wrote on August 21:

This operation is considered as a forced Loan, and is supposed to be fully adequate to the purpose of the Minister as far as it may be regarded as a Substitute for the second part of the gradual and successive Loan, established by the Edict of November 1787. The suspension alone of the reimbursements for a year, affords about fifty two Millions of Livres: the amount of the other sums retained by the delivery of the Notes of the Treasury for two fifths, etc. is not precisely known, but it is supposed that that part of the operation secures, at least, a resource of fifty millions more.³⁰

²⁸ *Journal Général de l'Europe*, August 19, 1788, No. 99, pp. 375-376. I fail to identify the memorial bearing the impressive epitaph quoted above.

²⁹ *Arch. Parl.*, I, 355-357.

³⁰ Browning, *Despatches*, II, 89-90.

Now let the privileged classes squirm, who, under the specious pretext of vigilance and care for the public welfare, had been shielding their pecuniary privileges from the encroachments of the royal tax-gatherer. On them would rest the blame for the suspended payments. Let them now look to the long desired Estates General for relief and agree with the non-privileged classes, if they could, as to how the Estates General should be composed and organized. In the nature of the case there could be no agreement. In consequence the Estates General would never meet. Gradually the popular ferment would subside, as it had done in the days of the Fronde, as it had done in the days of Chancellor Maupeou, and the "plenary court" would be quietly installed. Loan edicts would again be registered without recourse to "beds of justice"; exemptions from taxation would be gradually abolished; the budget would be eventually balanced, and absolutism rehabilitated.

It was the old policy of *divide et impera*, as familiar to Louis XI as to Mazarin. Under the circumstances it was a desperate expedient, but to faithful servants of an absolute king there was no alternative. The weakness of the policy lay in this: absolute monarchy was now inconsistent with the spirit of liberty and equality manifest among the bourgeoisie of France. Moreover Brienne and Lamoignon were mediocrities, endowed with neither the diabolical cunning of Louis XI nor the astuteness of Mazarin, and Louis XVI was a nonentity. What is more to the point, the suspension of payments had affected a small but potent group of bankers and capitalists at Paris, whose imperious demands for the recall of Necker could not be neglected.

CHAPTER III

THE FALL OF BRIENNE

Brienne had been raised to the ministry on May 1, 1787, because, after the death of Vergennes and the dismissal of Calonne, a minister with prestige and personality was needed to direct and dominate the royal council. His appointment was effected in the usual way, by a group of courtiers with which the queen was affiliated; but there is no reason for thinking that his supporters were actuated by other than patriotic motives. In his diocese as archbishop of Toulouse and in Languedoc as member of the provincial estates, he had distinguished himself as a skilful administrator and as a man of liberal views. Among the Notables he had played with a certain distinction the rôle of leader of the opposition and for that reason seemed designated, despite the claims advanced by the partizans of Necker, as the logical man for the responsible position. He was made chief of the council of finances in succession to Vergennes, a position which he held during his entire ministry; but on August 8, the king, harassed by contradictory advice, increased his dignity and responsibility by raising him to the rank of Principal Minister. This confidence of the sovereign in his abilities was shared alike by liberals and conservatives. Even Lafayette pronounced him the most capable man that could be found for the head of the administration.¹

But before many months had passed the discovery was made that Brienne was not equal to his task. "Up to the present," wrote the Austrian ambassador on October 18, 1787, "the Archbishop has fallen far short of expectations; he occupies himself too much with petty details and fails to grasp the ensemble of things. He shows little knowledge of finance. He wishes to obtain everything by conciliatory means. This does not get him anywhere, especially with the parlements." ² "His conduct is uncertain and vacillating," wrote the Swed-

¹ *Mémoires et correspondance*, II, 195, 199.

² *Correspondance secrète du Comte de Mercy-Argenteau avec l'Empereur Joseph II et le Prince de Kaunitz*, par Alfred d'Arneth et Jules Flammarion (Paris, 1889-1891), II, 131.

ish ambassador on August 3, 1788; "he frequently flies into fits of anger." ³ "A grave malady increased the difficulties of his position," wrote another in retrospect. "To obtain relief, he had recourse to prompt and vigorous remedies, and many people thought that his head had been affected." ⁴

These strictures are confirmed by a study of his administration. Though he had long aspired to become the successor of Richelieu, Mazarin, and Fleury, the heavy responsibilities incident to the position seemed to break his spirit. While clinging to power for the sake of the emoluments and patronage that accrued, he left the initiation of energetic measures to his subordinates, particularly to Lamoignon, whom Jefferson called "the principal's bull dog." ⁵ After the unsuccessful attempt to suppress the parlements on May 8-10, 1788, Brienne seems to have sunk into a state of lethargy, taking little note of what his subordinates were doing. The call for information on July 5 was in all probability not his work, and he may not have understood all the implications of the maneuver, though he nodded assent to it. Of the decree of August 16 we have from his own pen a very illuminating explanation: "At the beginning of August, 1781 [1788]," he writes in his *Mémoires*, "M. Gojard came to tell me that the royal treasury was empty. Now as early as the month of January I had instructed him to provide for that contingency. I had cautioned M. Lambert also, the controller general, who pointed out to me, however, neither ways nor means, and the first proposed only such as had already been exhausted. MM. Lenormand and La Balue were left without resource. It was perhaps on their part and that of M. Gojard, for the purpose of deceiving me, that the information reached me so late." ⁶ What a commentary, this, on the competence of a minister who for more than a year had been chief of the council of finances, not to know, until he was suddenly informed of it at the beginning of August, that the royal treasury was empty. One infers that he could easily have staved off bankruptcy had he been informed sooner. His further explanation of the reasons for the decree of August 16 is on a par with this. Was it true that "he had never known the difference

³ *Correspondance diplomatique du Baron de Staël-Holstein . . .*, par L. Leouzon Le Duc (Paris, 1881), p. 88.

⁴ *Biographie universelle*, art. "Loménie."

⁵ Bergh, *The Writings of Thomas Jefferson*, VII, 94.

⁶ Soulavie, *op. cit.*, VI, 238.

between the notes and the shares of the Caisse d'Escompte"?⁷

The partial suspension of payments, decreed by the royal council on August 16 and published on the late afternoon of August 18, created a panic in the financial circles of Paris on August 19. "So great was the alarm occasioned by this Arrêt, on its publication at the Exchange," wrote Hailes of the British embassy, "that the Loan of 125 millions which had always been considered favourably by the Public was done at 30 per cent. loss: Annuities were sold at four years purchase, and the Shares of the Caisse d'Escompte fell suddenly 200 Livres per share. A general panic seized the People with respect to the notes of the Caisse d'Escompte themselves, and thousands pressed forward to convert their paper into money."⁸ The run on the bank lasted three days and nights.

This excitement at Paris frightened the queen.⁹ To save Brienne, who was in a way her own protégé, she resolved to appeal to the devotion of Necker, commonly believed to be the only man capable of inspiring confidence and restoring credit. But, although she could count on the gratitude of Necker, whom she had protected on several occasions, Marie Antoinette did not wish to treat with him directly. She preferred to make use of the Austrian ambassador, the Comte de Mercy-Argenteau, as an intermediary.

On August 20 Mercy had a conversation of three hours with Necker. The prudent ambassador was very careful not to commit the king, the queen, or Brienne to anything; but Necker knew from experience that he was dealing with a secret envoy of the queen. In the course of the conversation Mercy expressed a personal desire to see Necker return to the directorship of the finances and was confident that he could procure the appointment for Necker if the latter would accept it. Necker replied that collaboration with Brienne would be tantamount to the loss of credit and reputation, without any advantage to the nation: he could not make the sacrifice. Mercy was prepared for this line of reasoning and countered with the following argument: The public might think that his refusal to return to the directorship of the finances was dictated by ambition, ambition to play the prepon-

⁷ Buchez et Roux, *Histoire parlementaire*, I, 251.

⁸ Browning, *Despatches*, II, 90.

⁹ For the negotiations with Necker and the circumstances that brought about the resignation of Brienne, I have drawn freely from Jules Flammermont, "Le second ministère de Necker," *Revue historique*, Vol. XLVI (Mai-Août, 1891).

derant rôle; all the State creditors, particularly the annuitants, would attribute their misery to his personal ambition and would never pardon him. Necker was impressed by this argument and expressed a desire to treat directly with the queen; but Mercy explained that that was impossible unless Necker agreed in advance to accept the appointment. Then Necker asked for a delay of two days for reflection.

On August 23, in a second conference with Mercy, Necker restated his position: associated with Brienne, he would lose the support of public opinion; without the support of public opinion, he could do nothing. If it was necessary to choose between collaborating with Brienne and quitting France, he preferred to quit France. Mercy replied that the queen desired very much to have him return to the ministry. This reference to the queen's personal wishes moved Necker greatly, and he asked for another delay of two days to get information about the condition of the royal treasury. But Mercy would grant him only one day. On receipt of Mercy's report of this conference, the queen exerted influence on the king, who had an aversion to Necker, to authorize Mercy to speak in the king's name and obtain Necker's acceptance of the post. The king yielded and in a formal note authorized Mercy to say "that he [the king] wishes to put M. Necker back at the head of the finances, that the latter shall have the rank of minister and be absolutely free from interference in his department."

At the conference of August 24, Necker still resisted for a time, but, under pressure, he finally declared to the ambassador "that he would demand an audience of the queen and would place at her feet the complete disposal of his fate, but he would demonstrate to her that in collaboration with Brienne he would lose the support of public opinion and accomplish nothing except the sterile sacrifice of his reputation; in this position, he regarded himself as lost." That is to say, Necker agreed to enter the ministry as Brienne's colleague, with the full knowledge that he would thereby sacrifice his reputation and popularity to no purpose. For such loyalty and self-abnegation history should give him credit, although, as matters turned out, he was actually spared the sacrifice.

During the period of these conferences, the desperate situation of Brienne became well known at court, and his enemies profited by the knowledge to bring about his dismissal. One of the most ardent adversaries of the Principal Minister was the Comte d'Artois. Brienne says in his *Mémoires* that this prince had a grudge against him for
off his princely debts. But the grudge was not

the sole cause of the enmity. In this affair the Comte d'Artois was but the docile agent of the Polignac faction, to which he was attached by his ardent passion for his mistress, the beautiful Madame de Polastron. Madame de Polignac detested Brienne for many reasons. In her eyes he had committed the great crime of contributing more than any one else to the dismissal of the amiable Calonne, who had allowed his friends, notably Madame de Polignac and her lover, the Marquis de Vaudreuil, to pillage the royal treasury. Besides Brienne had suppressed the office of *directeur général des postes aux chevaux* which Calonne had created for the Duc de Polignac. Finally the Principal Minister and his active supporter, the Abbé Vermond, had done everything in their power to destroy the confidence with which the queen honored the duchess, and they had in part succeeded. So many grievances called for vengeance, and the favorite was not the woman to let the opportunity slip. Accordingly, on August 24, the Comte d'Artois, incited by Madame de Polignac, had an interview with the queen. He emphasized the incapacity of the Principal Minister, found fault with him personally, and tried to make the queen believe that the popular commotion in Paris might increase to the point where the king's life would be in danger. The queen wept, and the Comte d'Artois passed on to the king, to whom he made similar representations.

On Monday, August 25, at nine o'clock in the morning, Mercy reported to the queen that Necker would accept without condition the directorship of the finances. Without saying anything to Mercy about the intervention of the Comte d'Artois, the queen remarked that during the last few hours she had been reflecting upon the situation and had come to the conclusion that Brienne ought to retire from the ministry, but she wanted him to retire voluntarily. Would Mercy be so kind as to call on Brienne and make him see the light? The ambassador accepted this new and delicate mission, though not without embarrassment. Brienne made it easy for him by coming directly to the point and asking him for a frank expression of opinion. Taking advantage of this opening, Mercy explained that the queen would be very sorry to see him go but under the circumstances she thought his retirement advisable; public opinion had been alienated beyond the hope of recovery; public confidence could be restored only by his retirement. Brienne replied that for several days he had been tormented by the same reflections and now after Mercy's frank avowal he no longer hesitated to submit his resignation to the king. The rest of the story may be taken from Brienne's *Mémoires*:

I went to the king's apartment and informed him that M. Necker had consented to return; and, as I could no longer be of service to him and as probably my presence would disturb the new minister, I requested his permission to retire. The monarch answered with a little embarrassment: "Go to the queen; she will talk to you on the subject." I consequently attended her majesty; she was at her toilet. . . . She made me an offer of a cardinal's hat and whatever else I should desire, adding that she parted from me with the deepest regret. She wept at its being necessary and permitted me to embrace her as a proof of her sorrow and regard. I accepted, therefore, the cardinalship, requested that the Abbé de Loménie [a nephew] might be my coadjutor [at Sens], and obtained the promise of one of the first places in the queen's household for my niece [Madame de Canisy]. It was agreed that I should hand in my resignation the same evening, that M. de Montmorin should write to Rome for the hat, that the Archbishop of Lyons should work for the settlement of the coadjutorship, and the same evening I should receive the promise of the place for my niece. I went back to my apartment contented, more happy in having resigned than in the favors that accompanied my resignation, personally affecting as they were; and I candidly acknowledge that they were sensibly felt by me and really contributed to my felicity. . . .

In the evening everything was accomplished according to the agreement. I received from both the king and queen testimonies of regard, which are usually not shown to a disgraced minister. That is not all; they sent M. Necker to me the following day. Two days later I saw him again. They even asked me to name my successor; I mentioned M. Duchâtelet, who declined the honor; and I could not forbear saying to them: "It is not common to see an ex-minister thus consulted." They replied: "That is because it is not common to find one so worthy of confidence." I mention all these circumstances with minuteness to prove how very far I was from desiring to remain in the administration. . . . The ministry was an office of pain, not of gratification, to me. Happy all my life before, I ceased being so from the time I resided at Versailles. For upwards of three weeks sleep had fled far from my pillow. I endeavored to do good, sincerely endeavored, but my disposition was not formed for times of storm and turbulence; to withdraw from them was a pleasure to me, and all my regret was that I had ever engaged in them.¹⁰

Two hours after his resignation Mercy passed his door and found him tranquil, with every appearance of contentment. That same evening he retired to his priory at Jardi, a league from Versailles. The next day, August 26, Necker called at Jardi to pay his respects. The fallen minister embraced the popular idol and, with evident emotion, adjured him to safeguard the glory of the monarch and the interest of

¹⁰ Soulavie, *op. cit.*, VI, 251-254.

the monarchy.¹¹ On August 27 Brienne returned to Versailles and had the honor of making his reverences to their majesties.¹²

The other ministerial changes were unimportant. Lambert, controller general of finances, yielded his place to Necker and was transferred to the council of despatches. Gojard, head clerk of the royal treasury, was transferred to the service of the Comte d'Artois and replaced by Dufresne. The Comte de Brienne, minister of war and brother of the archbishop, offered to resign, but the king replied that his services were still necessary.¹³ The retention of this minister was explained, by those who pretended to know, as a clever maneuver on the part of the archbishop to retain influence at court and to continue to govern indirectly through the queen and the Abbé Vermond; the Comte de Brienne would act as intermediary and, by his presence at court and in the council chamber, would serve as a damper to free criticism of the fallen minister.¹⁴ Lamoignon retained the seals and, by virtue of this office, continued to supervise all activities pertaining to the convocation of the Estates General. Except in regard to the finances, there was to be no essential change of policy.

Though Lamoignon was retained, the public greeted the fall of Brienne and the recall of Necker with extravagant outbursts of rejoicing. At the Palais Royal more than 10,000 people were assembled when the news arrived in the evening of August 25; the cries of joy and clapping of hands lasted far into the night. Even strangers stopped each other on the streets and exchanged mutual felicitations; all over the city there were bonfires and illuminations.¹⁵ "I was on the road from Contrexéville to Moulins," wrote the Baron de Besenval, "in ignorance of what was taking place. On arriving at Langres I encountered the greatest uproar. My first thought was of sedition, which was not a rare occurrence in the kingdom at that time. Descending from my carriage, I accosted a well-dressed man in the street and asked the reason for the excitement. 'Is it possible,' he says to me, 'that you have not heard of the great event? The Archbishop of Sens

¹¹ *Gazette de Leyde* (1788), No. 73, "Lettre de Paris" under date of September 1, 1788.

¹² *Ibid.*, No. 72.

¹³ *Ibid.*

¹⁴ *Mémoires de M. le Baron de Besenval* (Paris, 1805), III, 368.

¹⁵ *Correspondance secrète du comte de Mercy-Argenteau*, II, 212. Lescure, *op. cit.*, under date of August 27, 1788. Browning, *Despatches*, II, 96. Sallier, *Annales françaises*, p. 199.

has been dismissed and M. Necker recalled, M. Necker for whom we have been sighing for so long. Everything will be all right now.'"¹⁶ "I was that day at my estate fifteen leagues from Paris," wrote another, "and the next morning, my business recalling me to the city, I heard all along the road the shouts of joy of the inhabitants of the villages through which I passed."¹⁷ In the provinces, particularly in the cities where the parlements were accustomed to sit, the enthusiasm approached delirium. The news reached Grenoble at midday; without waiting for nightfall the city was illuminated.¹⁸

At Paris the popular rejoicing soon degenerated into rioting, with a strong suspicion that sinister influences were at work behind the scenes to embarrass the government as much as possible. On Tuesday evening, August 26, there were rockets and fire-crackers at the Palais Royal and cries of "Long live the king." At the Place Dauphine there were illuminations as well as fireworks. "A few of the inhabitants of the Place, wishing to be singular, or unacquainted with the proprieties, or wishing to dampen the popular joy, declined to illuminate their windows. . . . The crowd was scandalized by this singularity and resolved that if, on the next evening, these gentlemen did not do as everybody else was doing their lugubrious façades would be saluted with a little *petrified* advice."¹⁹ But aside from the noise this evening passed without disorder.

On Wednesday evening a larger and noisier crowd gathered at the Place Dauphine; one noted the presence of swarms of workingmen and ragamuffins from the suburbs, and one wondered who furnished the money for the purchase of such a prodigious quantity of fireworks. There were rude jests and horseplay; rollicking madcaps tossed exploding fire-crackers at peaceable citizens and laughed loudly at the latter's ill-humor and discomfiture. Thieves and pickpockets, mixing with the crowd, seized the occasion to pillage shops and forcibly to extract money from individuals on the pretext of buying fireworks. Toward midnight the crowd became decidedly unruly. Rioters began to break doors and windows, to toss exploding fire-crackers and rockets into shops and living apartments, and to carry off such loose wood as they could find for bonfires. Thereupon the Garde-de-Paris,

¹⁶ *Mémoires*, III, 365-366.

¹⁷ *Lettre ou mémoire historique sur les troubles populaires de Paris, en août et septembre 1788, avec des notes*, par M. Charon (Londres, 1788), p. 19.

¹⁸ Sallier, *op. cit.*, p. 200.

¹⁹ Charon, *op. cit.*, p. 20.

a small body of troops mounted and on foot, commonly called the Watch, was dispatched to the scene to protect the person and property of peaceful citizens. On their arrival the soldiers were greeted with hoots and hisses. Losing patience finally, the officer in command, M. Dubois, ordered his troops to sweep the Place. To the chagrin, and perhaps to the surprise, of the crowd, the order was obeyed. Amidst shouts and imprecations and a hail of stones, the Garde cleared the Place and the Pont Neuf and put an end to the disorders for that day.²⁰

To prevent a renewal of the disorders on the next evening, a conference was held at the *hôtel* of the Maréchal de Biron, at which were present M. de Villedeuil as minister of Paris, the Comte d'Affry, M. de Crosne, M. le Procureur du Roi, the Marquis d'Agoult and M. Dubois. In accordance with the decision here reached, the Garde-de-Paris took military possession of the Place Dauphine in the late afternoon of August 28 and the detachment of the Garde Française already stationed at the Palace of Justice hard by was reinforced to lend assistance in case of need. Accordingly, when the crowd began to assemble that evening for more fun, it found the entrance to the Place guarded by soldiers on foot and on horseback. A scuffle ensued. The crowd pelted the soldiers with stones and wounded several. The cavalry cleared the Pont Neuf and restored the circulation of traffic, which had been completely interrupted. In the *mêlée* the Marquis de Nesle, first equerry of the Comtesse de Provence, who was only a spectator or passer-by, received a severe blow on the head from the butt of a musket. The stone-throwing continued for four hours, but the Garde stood its ground and succeeded in dispersing the mob. At one o'clock in the morning of August 29, it received orders to retire, having completed the service assigned to it.²¹

Through short-sightedness which can hardly be explained, the Place Dauphine was left unguarded on the evening of August 29. Burning to avenge the insult of the preceding evening, the crowd began to assemble at the usual hour, armed this time with heavy clubs and canes tipped with iron. Finding themselves free from interference, the madcaps indulged in many extravagant pranks. They dressed a manikin in the robes of an archbishop and gave it a mock trial before a *grand bailliage*, in travesty of the judicial reforms of May 8. The manikin was then dragged to the Pont Neuf and forced to make

²⁰ Charon, *op. cit.*, pp. 20-24. *Gazette de Leyde*, No. 73 and No. 79 (*supplément*).

²¹ *Gazette de Leyde*, Nos. 74 and 79.

amende honorable at the foot of Henry IV's statue, after which it was thrown into the fire. To feed the flames, they threw on the booths of the old women who sold oranges on the Pont Neuf. When this fuel was consumed, the rioters rushed in force upon the guard-houses located on the bridge, overpowered the few soldiers stationed there, and carried away such loose material as was inflammable, including the soldiers' mattresses and uniforms. What could not be carried away was burned on the spot. Five or six other guard-houses in the neighborhood eventually suffered the same fate, and the mob seemed disposed to continue the devastation.²²

Meanwhile, report of the disorders had reached the Maréchal de Biron, whom the king had that day placed in command of the troops of Paris, and he issued an order to repel force by force.²³ In consequence, when the soldiers of the Garde-de-Paris stationed at the Place de Grève saw five or six hundred rioters approaching to demolish their guard-houses and sentry-boxes, they opened fire with muskets. The mob retreated, and the soldiers, taking the offensive, pushed it back upon the Pont Notre Dame. The casualties were variously reported, but in any case the list was not very long. Toward daybreak the rioting ceased. That evening, August 30, the Garde Française, which was popular with the Parisians, and the Garde Suisse patrolled the streets and met with no resistance.²⁴ For the time being the popular rejoicing was over.

On the night of September 1-2, the Archbishop of Sens slept at Paris. He left before daybreak in a carriage carefully closed on all sides, without a coachman or servant in his livery. This precaution, they say, was unhappily necessary, because, if the archbishop had been recognized, neither his age nor the dignity of his position would have saved him from annoyance. During the three days of trouble his *hôtel* had been guarded by a detachment of twenty-five Invalides and by patrols who made the rounds in this quarter every night.²⁵

But this clandestine departure of the ex-minister from his Paris *hôtel* does not mark his disappearance from the scene. For weeks he resided at Jardi, a league from Versailles, and when he eventually moved as far away as Brienne he still kept in touch with the court by

²² *Gazette de Leyde*, Nos. 74 and 79. Charon, *op. cit.*, pp. 28-30.

²³ The order was conveyed in writing. Reprinted in Chassin, *Les élections et les cahiers de Paris en 1789* (Paris, 1888), I, 6.

²⁴ *Gazette de Leyde*, Nos. 74 and 79. Charon, *op. cit.*, pp. 31-34.

²⁵ *Gazette de Leyde*, No. 75.

means of couriers.²⁶ On October 11 a contemporary wrote: "The Archbishop of Sens has reappeared at Versailles and passed three quarters of an hour with the king. In this conference he received, they say, his final instructions for his journey to Italy. The Comte de Brienne, his brother, seems to be firmly established in his position as minister of war."²⁷ A week later the same writer adds: "The departure of the Archbishop of Sens for Italy is still delayed despite the importance of the mission imputed to him. It is the general belief that he is very loath to quit the environs of the Court, where he still retains much influence. The king is so attached to him that his majesty says openly when speaking of him: 'They have forced me to part with the only man of genius, perhaps, in my kingdom.'"²⁸

The rest of the story is soon told. After his journey to Italy, which he eventually made, Brienne returned to his diocese of Sens, where he settled down and sought obscurity. In 1791 he was one of the half-dozen prelates who accepted the Civil Constitution of the Clergy and took the "civic oath"; he sent back to Rome his cardinal's hat; but his submission to the Revolution did not save him from the terrorists. In February, 1794, he and his family were arrested by order of the Comité de Sûreté Générale and kept under close guard at Sens. One morning the ex-minister was found dead in his room. It was believed that he had poisoned himself during the night with a mixture of opium and stramonium.²⁹

²⁶ Besenval, *Mémoires*, III, 363. Sallier, *Annales françaises*, p. 200.

²⁷ Lescure, *op. cit.*, II, 294.

²⁸ *Ibid.*, p. 296.

²⁹ *Mémoires inédits de l'Abbé Morellet . . .*, par M. Lémontey (deuxième édition, Paris, 1822), II, 15.

CHAPTER IV

THE RECALL OF NECKER

On August 25 the queen wrote to Mercy :

The archbishop is gone. I can not tell you, Monsieur, how much this day's business affects me. I believe the course adopted was necessary, but at the same time I fear it will lead to many misfortunes with respect to the parlements. I have just written three lines to M. Necker inviting him to come to me tomorrow at ten o'clock. There is no longer any reason for hesitation. If he can get to work tomorrow, so much the better; the need for work is urgent. I tremble at the thought—overlook this weakness in me—that it is I who am responsible for his return. My lot is to bear misfortune, and if infernal machinations should cause him to fail again or if he should cause the authority of the king to suffer impairment, I shall be detested more than ever. I fear we shall have to name a principal minister. It is very essential that M. Necker should count on this and not think that it is his business to be one.¹

At the hour appointed Necker waited on the queen and was closeted with her majesty for about an hour. In the middle of the conference the king entered. "He experienced in his great goodness," wrote Necker, "a sort of embarrassment because he had exiled me the year before. I spoke to him only of my devotion and respect, and from that moment I resolved to serve the prince just as I had served him in former times."² On leaving the queen's apartment Necker was greeted with loud applause by the throng of courtiers and spectators who had been impatiently awaiting the termination of the conference. The applause followed him as he made the rounds of the Château paying his respects to the members of the royal family and to the ministers. The Comte de Provence said to him: "I welcome your return with the greatest pleasure. In 1781 I was somewhat prejudiced against you, without ceasing to esteem you. Your works since then have recon-

¹ Flammermont, *Corres. secrète*, II, 211.

² *Histoire de la révolution française, par M. Necker, depuis l'assemblée des notables jusques et y compris la journée du 13 vendémiaire an IV (18 octobre 1795)*, nouvelle édition, avec nombreuses additions de l'auteur (Paris, 1821), I, 49-50.

ciled me with the minister of finances. At the age of thirty, one thinks and judges differently from the way one thinks and judges at twenty-five." Having made the rounds of the Château, Necker took carriage for Jardi to pay his respects to the fallen minister. Wherever he passed the crowd shouted applause.³

At Paris the Bourse opened with hand-clappings and shouts of "Vive le roi! Vive M. Necker!" Writing at the end of the day, Hailes of the British embassy informed his government that "the different Stocks have risen in a greater proportion than they had lately fallen. The Shares of the Caisse d'Escompte have got up this day from 3,600 Livres to 4,400. The Loan of 125 Millions which only three days since lost 30 per cent, now loses only 13 per cent. All other Stocks have gained in the same proportion. The predilection of the Public or rather of the people is so great for M. Necker [*sic*] that he was received on his return from Versailles with the loudest acclamations."⁴ "Never has a minister appeared under better auspices," we read in the *Gazette de Leyde*. "It is true that he contracts great obligations with the people which has just received him with so much enthusiasm, but we dare promise ourselves that he will fulfil all these obligations. Now that his talents are no longer fettered, he will be able to give a free course to his just and extensive views, to those ideas of order and equity which alone can restore calm to the kingdom and happiness to the public."⁵

On August 27 Necker sat in the royal council, for the first time in his life, as minister of state. Around the table were grouped his noble colleagues, Lamoignon, Montmorin, the Comte de Brienne, Villedeuil and La Luzerne, who, we imagine, looked at the newcomer askance. The next day he went to the Hôtel du Contrôle Général, where he doubtless felt more at home, and assumed his duties as director general of finances. "At this moment," observed the Baron de Staël-Holstein, "he has no other influence than that which concerns his department. It appears that there was some thought at first of a prime minister, but that appointment is at least delayed."⁶ In fact it was

³ *Gazette de Leyde* (1788), Nos. 72 and 73. Albert Mousset, *Un témoin ignoré de la révolution: le Comte de Fernan Nuñez, ambassadeur d'Espagne à Paris, 1787-1791* (Paris, 1924), pp. 41-42. *Mémoires de Weber* . . . , par MM. Berville et Barrière (Paris, 1822), I, 252.

⁴ Browning, *Despatches*, II, 94. Flammermont, *Corres. secrète*, II, 212.

⁵ No. 72.

⁶ *Correspondance diplomatique* . . . , par L. Leouzou Le Duc (Paris, 1881), pp. 88-89.

destined never to be made. The subservient attitude of the new minister evidently convinced the queen that he did not need to be held in check.

The enthusiastic public expected Necker to dominate the council and to put through a series of measures embodying the popular demands. The decree of August 16 was to be rescinded forthwith; the election of the Estates General was to take place at an early date; and the parlements were to be reestablished at least provisionally—until the meeting of the Estates General. These were specific demands. Vaguely it was thought also that a vast program for the happiness, the tranquillity, and the complete regeneration of France entered into the purview of “the wise minister, the savior of the nation.” “France in consternation turns her eyes to you; she holds out her hands to you; you will not be insensible to the evils under which she groans; and, like those beneficent divinities whom one invokes only in times of great calamity, you will make hope and benedictions descend again upon the altars of the fatherland. Yesterday those altars were bathed only with our tears, our bitterest tears; but tomorrow they can again be adorned with festoons and garlands, and our grateful hands will there consecrate forever your name and image.”⁷ Thus wrote a pamphleteer under date of August 28.

But events were to prove that Necker lacked the qualities commonly attributed to him. He was primarily a banker, with the habits of the counting-house. Circumstances had forced political leadership upon him; but in this character he was weak, irresolute, undecided, and out of place. Painfully conscious of his spotless reputation, he dared do nothing that might injure his standing with all classes. Yielding to pressure where pressure was greatest, shifting responsibility whenever possible, he was ever the man of expedients, never the bold statesman whom the times demanded.

His prime duty, as he conceived it, was to find money. “When I returned to the helm of affairs,” he tells us, “there were not five hundred thousand livres in the royal treasury; every species of credit was annihilated; and yet I was obliged to raise several millions in the space of a week, to discharge engagements that were on the point of expiring or expenses of which the least delay would have occasioned the most alarming dangers.”⁸ To his assistance came capitalists who

⁷ *Lettres à M. Necker, ministre d'état et directeur général des finances* (S.l.n.d.), pp. 26-27.

⁸ *Sur l'administration de M. Necker, par lui-même* (S.l., 1791), pp. 30-31.

had confidence in his skill and integrity and who were vitally interested in the success of his administration. On September 4 he persuaded the Caisse d'Escompte, in violation of its statutes and on the flimsiest security, to make the government an additional loan of 15 million livres.⁹ With these resources in hand he was able to announce that current expenses would be paid in specie. On September 14 the decree of August 16 was rescinded except with respect to the *remboursements des capitaux*.¹⁰

At the same time his embarrassment was increased by the necessity of making extraordinary expenditures. The harvest of the year was bad, and a hail-storm had ravaged the central provinces of the kingdom. Everywhere the price of bread was rising, and sporadic bread riots were occurring. In Brittany peasants seized wagon-loads of wheat upon the highways. At La Rochelle and Amiens bakers' shops were pillaged. Even at Paris, where special efforts had been made to maintain an artificial abundance, bakers began at the end of August to enhance the price of their products. To allay the popular fear of famine, Necker had to import great quantities of wheat from abroad.

He continued the task of raising the necessary funds to meet the needs of the treasury, in his characteristic fashion. A successful speculation in piastres yielded a considerable profit; from his private fortune he lent the government two million livres, and he brought pressure to bear on other royal officials, and even speculators at the Bourse, to follow his example; from the notaries of Paris he borrowed six millions on October 13 and from the Six Corps de Marchands he borrowed four. At the end of October the rumor floated around that he had sufficient funds on hand or in sight to pay current expenses during the rest of the year.¹¹ "And so," wrote Necker in retrospect, "by tacking about, by practising all the maneuvers, by employing all the resources circumscribed within a narrow compass, I succeeded in steering the frail ship of state, without running aground or foundering, up to the opening of the Estates General, a period which I considered as the first signal of a safe port."¹²

This, then, was the goal which Necker set for himself: to raise money by temporary makeshifts until the Estates General could meet

⁹ Gomel, *Les causes financières de la révolution française*, p. 491.

¹⁰ *Arch. Parl.*, I, 357.

¹¹ *Discours de M. Duclos du Fresnoy, syndic gérant des notaires au Châtelet de Paris . . .* (S.l.n.d.), pp. 20-22. *Gazette de Leyde*, No. 86. Mousset, *Un témoin ignoré*, p. 40. Lescure, *Corres. secrète*, II, 291, 296, 297, 298.

¹² *Sur l'administration de M. Necker*, p. 31.

and make permanent arrangements. Of the great constitutional question involved in the convocation and composition of the Estates General he had little conception. He simply accepted the situation as he found it. "When I returned to office in August, 1788," he wrote in retrospect, "I found the prince and his council already engaged both by their promises and by the hopes which they had aroused. I saw at the same time the nation disposed to put forward all the pretensions that come from a consciousness of power. Although the novelty of the circumstances and the general lack of experience kept political thinking rather vague, the agreement was universal that the Estates General must not be an empty phrase. There was an emphatic demand that the Estates General have, by some means or other, the unity of action necessary to extirpate the mass of abuses which seemed so deeply rooted and to undertake the regeneration which was so impatiently expected and of which the need was so evident."¹³ With the demand for the Estates General he was of course in sympathy; but, except for his desire to fix an early date for the meeting, so that he could the sooner get rid of his financial anxieties, he had no thought of modifying the plan formulated in the decrees of July 5 and August 8.

To the high pretensions of the parlements he had never been favorable. In 1778, during his first administration, he had presented to the king a secret memorial upon the advantages of provincial assemblies, in which he hinted at the possibility of using such assemblies some day to counterbalance the power of the parlements. The publication of this confidential document, without his knowledge or consent, had contributed no little to the annoyance which provoked his resignation in 1781. At the same time it had aroused the animosity of the magistrates, who since then had harassed him at every opportunity.¹⁴ Nevertheless Necker believed the parlements to be popular and, counting on the Estates General to put a curb on their exorbitant pretensions, he advocated their provisional restoration. With him the question of finance was always uppermost. He believed that the country would settle down and resume the payment of taxes as soon as the administration of justice was reëstablished. Moreover the restored parlements might be induced to register a much-needed loan edict.

At a session of the royal council on September 3 Necker pointed out how impractical it was to maintain the decrees of May 8 and remain

¹³ *Histoire de la révolution française*, I, 74-75.

¹⁴ Lally-Tollendal, *Biographie universelle*, art. "Necker."

in a state of war with the parlements. Thereupon a discussion of nearly two hours ensued. Lamoignon took the ground that a repeal of the May decrees would lead infallibly to the destruction of the royal authority. The council adjourned without reaching any decision, but on the next day Necker carried his point by urging that, in view of the desperate condition of the finances, the convocation of the Estates General for the beginning of January, 1789, and the provisional restoration of the parlements with the right of registration were absolutely necessary.¹⁵ Orders were then immediately despatched to the various members of the Parlement of Paris to hold themselves in readiness to resume their functions.¹⁶

Among the *parlementaires* at Paris there was now a considerable stir. The *buvetiers* received orders to prepare the Palace of Justice for the reception of the magistrates; crowds gathered there to hear the latest news; the various presidents of the Parlement, so it was reported, met at the residence of the first president, M. d'Aligre, on September 7, to discuss the situation.¹⁷ Simeon Prosper Hardy, an elderly bookseller, who had a shop in the vicinity, noted in his *journal* on September 11: "This morning about nine o'clock the first president of the parlement, on receipt of a summons from Versailles, as well as the *procureur général* and the *gens du roi*, departed in a carriage drawn by three horses. If public rumor is to be trusted, the royal council wishes to impose on the parlement, as conditions of its reëstablishment, the following: (1) to subsist only as a *chambre des vacations* up to the Estates General; (2) to consent to the gradual suppression, and by death only, of the three *chambres des enquêtes* and the *chambre des requêtes* which had been totally suppressed by the law registered in the bed of justice on the 8th day of last May; (3) to register provisionally some sort of loan edict, pending the ratification of this registration by the Estates General; (4) to accept the establishment of three *grands bailliages* in its judicial province, with certain modifications, as well as the new criminal ordinance."¹⁸

From the *Gazette de Leyde* we learn that the first president of the

¹⁵ The royal council kept no minutes. For what took place on September 3-4, I have been obliged to depend on hearsay evidence. S.-P. Hardy, "Mes loisirs, ou Journal d'événements tels qu'ils parviennent à ma connaissance," Bibliothèque Nationale, MSS., Nos. 6680-6687, under date of September 4 and 7. Cf. Lavissee, *Histoire de France*, IX, i, 362.

¹⁶ *Gazette de Leyde*, No. 75. *Arch. Parl.*, I, 319.

¹⁷ Hardy, "Mes loisirs, ou Journal," under date of September 5, 8, 10.

¹⁸ "Mes loisirs, ou Journal," September 11.

Parlement visited Versailles several times during the week following September 4 and had several conferences with the *grand banc* and other chief magistrates. All of them seemed disposed to accept the conditions, whatever they actually were, laid down by the royal council.¹⁹ But suddenly all hope of compromise vanished and the old spirit of defiance flared up. This change of spirit was due to the receipt of trustworthy information that the Parlement would be reestablished, not by simple writs of convocation, but in a bed of justice to be held at Versailles on September 15. Here in a solemn session, as everybody knew, the king would announce his pleasure and the keeper of the seals would sternly remind the magistrates of their duty. Even a novice could discern in this procedure the guiding hand of Lamoignon.

The younger magistrates were especially discontented at the turn events had taken and threatened a "scission" if the older magistrates should persist in being conciliatory.²⁰ After a long and stormy conference at the residence of d'Aligre, the first president, the Parlement adopted, on September 12, the following vigorous protest: "Justly alarmed at the announcement of an approaching bed of justice; considering that this form ordinarily employed to manifest intentions contrary to those of the nation is the one which this same minister employed, in the month of May last, to prepare, with the same mystery, edicts destructive of the rights of the nation, and by the discourse which he delivered at the time of their publication declared himself the author and accomplice; considering that, constrained by the force of public opinion which has rejected these disastrous laws, this minister has lost the hope of subverting at a single blow the constitution of this monarchy, but has not abandoned his fatal projects; convinced that his unique purpose is still to subject the people to the yoke of despotism and that his unique means of doing so is to take away from the magistracy the esteem and confidence of the nation, he being persuaded that it would be easy to destroy the laws if he could direct public opinion against those who, by their estate, are the guardians and defenders of the laws; . . . persisting in our resolution of May 3 and in our subsequent protestations, we declare that we likewise and again protest against everything that was done in the bed of justice held on May 8 and that we shall never cease our opposition to the system of *la seule volonté* to which the ministers wish to enslave the

¹⁹ Nos. 74 and 76.

²⁰ *Gazette de Leyde*, No. 76.

nation."²¹ This protest was straightway printed and distributed to the public.²²

Now, in view of the financial situation, a contest with the Parlement was exactly what Necker ardently wished to avoid; but there is no evidence that he hastened to do anything about it. The initiative was taken by the meddlesome Comte d'Artois, representing the queen's coterie, who, on the evening of September 13, advised Lamoignon to resign. The latter, in view of the reversion of the chancellorship, declined to surrender his prospects until he had been promised adequate compensation. This matter having been satisfactorily adjusted, Lamoignon surrendered the seals on September 14 and retired from court. He was given, according to common report, 400,000 livres to pay his debts, an annual pension of 80,000 livres, and the promise that his son on reaching the age of twenty-five would be made duke and peer and be appointed to the first important place that fell vacant in the foreign service.²³ The same day new *lettres de cachet* were sent to the magistrates countermanding the summons to the bed of justice.²⁴ The necessary consequence of this act was the recall pure and simple of the parlements.

The resignation of Lamoignon was greeted with the same popular demonstrations as had greeted that of Brienne. On September 14 a great crowd gathered in the Place Dauphine and began to pop fire-crackers and threaten to break unlighted windows. The jollification and horse-play lasted until four o'clock the next morning, when the crowd, armed with clubs and torches, dispersed to various parts of the city. There were similar demonstrations on the next evening.

On Tuesday, September 16, the jollification degenerated into rioting. Madcaps obstructed the Pont Neuf, stopped carriages, and compelled the coachmen and the persons inside to shout: "Vive Henry IV! Au diable Lamoignon!" Even great lords, like the Duc d'Orléans, were thus insulted. When coachmen tried to resist the crowd and drive on, they were beaten with clubs, pelted with stones and débris,

²¹ Pamphlet beginning with these words: "Nous soussignés, présidents, conseillers, gens du roi, greffier en chef, et officiers du parlement de Paris, justement alarmés de l'annonce d'un lit de justice prochain . . ." (*S.l.n.d.*).

²² Hardy, "Journal," September 16.

²³ Browning, *Despatches*, II, 106. Besenval, *Mémoires*, III, 374. Sallier, *Annales*, pp. 202-203.

²⁴ Sallier, *Annales*, p. 203. *Gazette de Leyde*, Nos. 78 and 79. Hardy, "Journal," September 14.

and sometimes dragged to the ground and forced to make *amende honorable* on their knees before Henry IV's statue. If the persons inside the carriage complained, they were compelled to give money, ostensibly for the purchase of fire-crackers. Toward eleven o'clock that night a part of the crowd, carrying torches and a huge manikin labeled Lamoignon, marched in procession to Rue Grenelle, to burn the manikin and make a demonstration before the Hôtel de Lamoignon. A convenient sentry-box furnished wood for a bonfire, and the manikin was duly burned. Embarrassed by the presence of a detachment of Invalides who stood guard over the *hôtel* itself, the crowd soon left and gathered in front of the Hôtel de Brienne, Rue Saint Dominique. Another sentry-box was seized to provide fuel for a bonfire. At that moment the Comte de Brienne, minister of war, came driving in from Versailles. He saw the crowd and the flames and, believing his *hôtel* on fire, despatched a messenger to the barracks of the Garde Française with orders to march against the rioters. Meanwhile the crowd had recognized the minister and surrounded his carriage. He was rescued, however, by a picket of fifty Invalides who came up just then to guard his *hôtel* and was conducted to a place of safety. Soon two platoons of the Garde Française advanced upon the rioters from different directions, from the Rue du Bac and the Rue de Bourgogne, and charged with the butts of their muskets and with bayonets. Several of the rioters were wounded. Five were picked up from the ground and sent to the hospital. Four others were arrested and sent to prison. Having cleared the street, the Garde retired, and some thirty of the rioters crept back to pick up their hats, which had been hastily abandoned on the field of battle.

Meanwhile another crowd, carrying a manikin labeled Dubois, commandant of the Garde-de-Paris, had left the Place Dauphine to make a similar demonstration before the commandant's residence, Rue Mêlée. "Il nous faut du bois," the rabble shouted: "c'est du bois qu'il nous faut pour brûler les malheureux qui trompent notre bon roi." At the corner of Rue Saint Martin the mob was charged by the Garde-de-Paris and dispersed with many wounded.

On Wednesday morning, September 17, madcaps gathered again in the Place Dauphine and renewed the antics of the previous evening. They carried processionaly at the end of a pole the portrait of Necker which they eventually placed beside the statue of Henry IV, compelling all passers-by to salute it. But at five o'clock in the afternoon the Garde Française arrived and cleared the Place and the Pont Neuf.

To reinforce the Garde Française and the Garde-de-Paris, squadrons of cavalry were brought in from a distance and stationed in the Faubourg Saint Antoine and at other points. For the time being the popular demonstrations subsided.²⁵

The public was now waiting impatiently for the appointment of Lamoignon's successor and for the recall of the parlements. After the seals had been offered in vain to Malesherbes and to d'Aligre, the king remembered that Miromesnil, a former keeper of the seals, had praised the virtues of a certain M. de Barentin, first president of the Cour des Aides. Barentin accepted the seals and was duly installed on September 19.²⁶ He was an obscure magistrate, honest and dull, without enemies or energy, "a manikin," Besenval calls him, "wrapped in a judicial robe." Such a man was not likely to stand in Necker's way, as Lamoignon had done; yet there is no evidence that Necker was consulted or even considered when the appointment was made. The king had simply acted on his own impulse (having heard some one say that Barentin was an honest man), without once considering the necessity, in this moment of crisis, of having something like unanimity of opinion in his council. Nor is there evidence that Necker ever complained or protested at being neglected; he was there to serve with any colleague whom the king might see fit to honor. In view of the responsibility which devolved upon Necker, whether he would or no, of formulating a consistent policy and taking the direction of it, this transaction is, to say the least, illuminating.

In Necker's opinion the recall of the parlements and the fixation of a date earlier than May 1, 1789, for the meeting of the Estates General were essential to the restoration of credit. The council now deferred to his judgment. Had he been a statesman with a full comprehension of the political situation, he would have insisted that the king recall the magistrates to their functions with no other formality than simple permission to return to their respective halls of justice. Then the king could have issued a proclamation to the nation, announcing the date for the meeting of the Estates General and explaining that he had suspended until that date the execution of the decrees of May 8. This procedure, which would have eliminated the necessity

²⁵ For the rioting: *Gazette de Leyde*, Nos. 78 and 79. *Relation exacte et détaillée de ce qui s'est passé à Paris à l'occasion de la retraite de M. de Lamoignon* . . . (S.l.n.d.), pp. 1-7. Charon, *Lettre ou mémoire historique*, pp. 37, 51-55. Besenval, *Mémoires*, III, 376-379. Condorcet, *Mémoires*, I, 256-257.

²⁶ Weber, *Mémoires*, I, 256. *Gazette de Leyde*, No. 79.

of having anything registered by the sovereign courts, would have been unusual; but it would have been a master-stroke. The parlements would have protested, of course; but they would not have had the support of public opinion, as events were to prove. Necker, however, with his eyes fixed exclusively upon the financial situation, failed to see that the third estate was about to separate its cause from that of the parlements. On the contrary, he expected the latter to remain in permanent possession of the public confidence. Accordingly, under his guidance, the royal council prepared a solemn declaration, shrewdly calculated to dissimulate as much as possible the cruel humiliation of the crown and, on the other hand, to give the least umbrage to the sovereign courts.

The declaration in question begins with a pompous preamble in which the king explains that he issued the decrees of May 8 to make the administration of justice less complicated, less difficult and less expensive. The preamble continues thus:

Nothing can change our firm determination to diminish the expense of civil contests, to simplify the forms of procedure, and to remedy the inconveniences inseparable from the remoteness of several provinces from the higher tribunals; but, as we are interested essentially in promoting as much as possible the happiness and well-being of our people, now that the advancement of the Estates General offers us a means of attaining our end with that good understanding which arises from public confidence, we do not change our intentions but fulfil them more surely when we suspend our last resolutions [*i. e.*, the decrees of May 8] until after the holding of the Estates General. It is for this reason that we have decided to restore all the tribunals to their former status until, enlightened by the nation assembled, we can adopt a fixed and immutable plan. . . . We count it among the essential duties of our justice to take under our very special protection those of our subjects who, by their zeal and obedience, have concurred in the execution of the wishes that we have manifested.

Then follow the specific articles:

1. We will and ordain that the assembly of the Estates General shall take place in the course of January next.

2. We ordain *in consequence* that all the officers of our courts, without any exception, shall continue to exercise the functions of their offices as formerly.

3. We will likewise that no innovation whatever shall be made in the order of the jurisdictions—ordinary, *d'attribution* and *d'exception*—as established before the month of May last.

4. We prescribe nevertheless that all judgments, whether civil or criminal, which might have been rendered by the tribunals created at that time, shall be executed according to their form and tenor.

5. We do not mean, however, to deprive suitors of the right of appeal, through regular channels, against the said judgments.

6. We impose an absolute silence upon our *procureurs généraux*, as well as other *procureurs*, with respect to everything that concerns the execution of the decrees of May 8.

7. We declare null and void everything that may be done contrary to the present declaration.²⁷

The royal council completed the drafting of this declaration on September 23. The same evening the military guards who had been stationed at the Palace of Justice in Paris ever since May 8 were withdrawn and the members of the Parlement received formal orders to assemble there on September 24 and resume their ordinary functions.²⁸

The public now could look forward with confidence to the convocation of the Estates General; but how was the assembly to be composed and organized? This was now becoming the burning issue. As early as September 5 the Prince de Beauvau, a liberal noble, wrote to Roederer: "There is beginning to be much discussion concerning the best form possible for the convocation and composition of the Estates General, whether the deliberations should be by head or by order, how to prevent confusion and procure the greatest utility."²⁹ To settle this question, Malesherbes and Blanc de Castillon, *procureur général* at the Parlement of Aix, were associated with Barentin, keeper of the seals, "to collect the instructions of the provincial assemblies, ascertain their will, and present a report on the form which they desire for the convocation and composition of the national assembly. It is M. Necker who has proposed this commission and who has desired that it be composed of these two magistrates whose wisdom and virtue are recognized by all France. M. de Malesherbes, who for two months has not appeared at the royal council, though his resignation has not been accepted, has not declined to accept this appointment nor to perform the important duties assigned him."³⁰ In view of the reactionary proclivities of Blanc de Castillon and

²⁷ Brette, *Recueil de documents*, I, 25-28.

²⁸ Chassin, *Les élections et les cahiers de Paris*, I, 7.

²⁹ *Œuvres du Comte P. L. Roederer* (Paris, 1858), VII, 537.

³⁰ *Gazette de Leyde*, No. 80, under date of September 26.

Barentin, one wonders what the report of this commission would ultimately have been; but it was destined never to be made. The "petit mot"⁸¹ of the Parlement of Paris on September 25, as we shall see, brought about a change of plan.

⁸¹ The expression is Necker's. *Histoire de la rév. fr.*, I, 105.

CHAPTER V

THE *PETIT MOT* OF THE PARLEMENT OF PARIS

The Parlement of Paris had declared on May 3, 1788, "that the nation has the right to grant the taxes by the organ of the Estates General *regularly convoked and composed*," and this declaration was repeated at the bed of justice on May 8; but the significance of the words "regularly convoked and composed" had apparently escaped the notice of the public. The Parlement continued to pose as the champion of popular rights and entertained no suspicion, when it was reëstablished, that the support of public opinion was about to be withdrawn.

At eight o'clock on the morning of September 24, the magistrates returned to the Palace of Justice, with the proud sense of having won the endurance contest with the crown. Pushing their way through the vociferous throng of admirers, they assembled in the Grand' Chambre for the day's sitting. To their disappointment only ten of the thirty-eight peers were present to share the popular ovation, but hope was entertained that the attendance would be larger on the next day. The meeting having been called to order, the *gens du roi* entered and presented for registration "the declaration which ordains that the assembly of the Estates General shall take place in the course of January next and that the officers of the courts shall resume the exercise of their functions." Then M. Séguier, *procureur général*, took the floor. It was his business, by virtue of the office that he held, to represent the crown and defend the policy of the government. What did he do? In flagrant disobedience to article six of the royal declaration, he devoted an hour to a bitter criticism and denunciation of the May decrees, attributing them of course to the king's evil councilors. After which he treated the court to a constitutional history of France, compared Necker to Sully, and in pompous phraseology predicted that, since the king had dismissed his evil councilors, peace, prosperity, and happiness would return to distracted France. "All hearts unite," he said, "to bless the hand that has dissipated the storm with which France was menaced." After the *gens du roi* had retired, the court

discussed the declaration and decided, in view of the absence of so many distinguished peers, to postpone registration until the next day. This decision, too, was in disobedience to the royal will, and designedly so, for the Parlement was eager to prove to the king and to all France that it could resume its functions and transact business without the formality of a reëstablishment.

With this matter temporarily disposed of, the court turned its attention to the chief business of the sitting, namely, the recent disorders in Paris. One of the magistrates denounced "the excesses, violences and murders" committed since August 26, and the court resolved to investigate at once the conduct of the men responsible for these outrages. M. de Crosne, lieutenant-general of police, was brought to the bar and heckled for an hour. M. Dubois, commandant of the Garde-de-Paris, could not obey the summons, owing to an attack of the gout, but he sent his major, who read a communication explaining that, in using force against the rioters, the commandant was but conforming to the orders of the Maréchal de Biron. As the Maréchal was one of the peers of France, he was invited to be present on the next day and assist with the investigation. At half past four the court adjourned, after having resolved to send a special messenger to the princes of the blood to the present on the morrow. Throughout the day the magistrates had behaved with their accustomed arrogance and contempt for royal authority, which boded ill for Necker's policy of conciliation.¹

On September 25 the magistrates assembled again at eight o'clock, with only one additional peer present—the Duc de Noailles; the Maréchal de Biron sent his regrets, and the princes of the blood were again conspicuous by reason of their absence. The first item of business was the reading of the minutes, carefully and elaborately drawn up, of everything the Parlement had done since May 3. Then the declaration of September 23 was registered, but with certain important reservations, to wit: "The court, persisting in the principles set forth in its resolutions of the 3rd and 5th of May last, and in its subsequent deliberations, . . . ordains that the said declaration shall be formally registered, to be executed according to its form and tenor; but there is to be no inference from the preamble or from any of the articles of the said declaration (1) that the court had need of a reëstablishment in order to resume functions which had been

¹ *Arch. Parl.*, I, 320-326. Hardy, September 24. Lescure, II, 290. Charon, *Lettre ou mémoire historique*, pp. 57-58. *Gazette de Leyde*, No. 80.

suspended only by violence; (2) that the silence imposed on the *procureur général*, relative to the execution of the ordinances, edicts and declarations of May 8th last, can prevent the court from taking cognizance of the misdemeanors which it may be in duty bound to take cognizance of; (3) that the judgments mentioned in articles four and five are not *subject* to appeal or that those who have not been properly examined and sworn in by the court, according to the ordinances, resolutions and regulations of the said court, can exercise the function of judge in the lower tribunals: and the said court will not cease, in conformity with its resolutions of May 3rd last, to demand (*réclamer*) that the Estates General, indicated for the month of January next, *be regularly convoked and composed, and that in accordance with the form observed in 1614.*" This last statement, as may be observed, was not a reservation to the declaration of September 23, but a reply to the decree of July 5, designed to remove all doubts as to the *constitutional* form of the Estates General. After making this momentous decision, the Parlement resolved to send its first president, M. d'Aligre, to the king with the request that, in view of the pressure of important business, the Parlement be allowed to omit its customary annual vacation. The sitting terminated with the formal denunciation of Brienne and Lamoignon and a resolution of the court to prosecute the two fallen ministers for malfeasance in office.²

There was no sitting on September 26, probably because M. d'Aligre was at Versailles to confer with the king; but on Saturday, September 27, the magistrates assembled again at the usual hour to hear the first president read the royal response: "The continuation of the services of my Parlement would not be useful," said the king. "My intention is that the court proceed to the registration of my declaration for the establishment of a *Chambre des Vacations*." Then the *gens du roi* entered and presented for registration the declaration in question; it provided for the adjournment of the Parlement from September 28 to November 8 inclusive. There was some discussion, but the magistrates bowed to the royal will. Indeed there was no legal alternative. But since the adjournment was not effective until the next day, several hours remained to the court for the transaction of business. The *gens du roi* entered a second time, and M. Séguier, taking the floor, denounced No. 116 of a periodical entitled *Annales*

² *Arch. Parl.*, I, 326-330. *Gazette de Leyde*, Nos. 80 and 81. Hardy, September 25.

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On September 25 the magistrates assembled again at eight o'clock, with only one additional peer present—the Duc de Noailles; the Maréchal de Biron sent his regrets, and the princes of the blood were again conspicuous by reason of their absence. The first item of business was the reading of the minutes, carefully and elaborately drawn up, of everything the Parlement had done since May 3. Then the declaration of September 23 was registered, but with certain important reservations, to wit: "The court, persisting in the principles set forth in its resolutions of the 3rd and 5th of May last, and in its subsequent deliberations, . . . ordains that the said declaration shall be formally registered, to be executed according to its form and tenor; but there is to be no inference from the preamble or from any of the articles of the said declaration (1) that the court had need of a reëstablishment in order to resume functions which had been

¹ *Arch. Parl.*, I, 320-326. Hardy, September 24. Lescure, II, 290. Charon, *Lettre ou mémoire historique*, pp. 57-58. *Gazette de Leyde*, No. 80.

suspended only by violence; (2) that the silence imposed on the *procureur général*, relative to the execution of the ordinances, edicts and declarations of May 8th last, can prevent the court from taking cognizance of the misdemeanors which it may be in duty bound to take cognizance of; (3) that the judgments mentioned in articles four and five are not *subject* to appeal or that those who have not been properly examined and sworn in by the court, according to the ordinances, resolutions and regulations of the said court, can exercise the function of judge in the lower tribunals: and the said court will not cease, in conformity with its resolutions of May 3rd last, to demand (*réclamer*) that the Estates General, indicated for the month of January next, *be regularly convoked and composed, and that in accordance with the form observed in 1614.*" This last statement, as may be observed, was not a reservation to the declaration of September 23, but a reply to the decree of July 5, designed to remove all doubts as to the *constitutional* form of the Estates General. After making this momentous decision, the Parlement resolved to send its first president, M. d'Aligre, to the king with the request that, in view of the pressure of important business, the Parlement be allowed to omit its customary annual vacation. The sitting terminated with the formal denunciation of Brienne and Lamoignon and a resolution of the court to prosecute the two fallen ministers for malfeasance in office.²

There was no sitting on September 26, probably because M. d'Aligre was at Versailles to confer with the king; but on Saturday, September 27, the magistrates assembled again at the usual hour to hear the first president read the royal response: "The continuation of the services of my Parlement would not be useful," said the king. "My intention is that the court proceed to the registration of my declaration for the establishment of a *Chambre des Vacations*." Then the *gens du roi* entered and presented for registration the declaration in question; it provided for the adjournment of the Parlement from September 28 to November 8 inclusive. There was some discussion, but the magistrates bowed to the royal will. Indeed there was no legal alternative. But since the adjournment was not effective until the next day, several hours remained to the court for the transaction of business. The *gens du roi* entered a second time, and M. Séguier, taking the floor, denounced No. 116 of a periodical entitled *Annales*

² *Arch. Parl.*, I, 326-330. *Gazette de Leyde*, Nos. 80 and 81. Hardy, September 25.

politiques, civiles et littéraires, by M. Linguet. In this number of his journal Linguet had argued that, since the loans contracted by the king and his predecessors had never been ratified by the Estates General, they should be repudiated; he even went so far as to contend that the cancellation of the public debt at the end of each generation would be a wise, humane, and legitimate operation. This invitation to bankruptcy, declared Séguier, was an insult to the king and the nation. Thereupon, by decree of the court, the offending sheet was torn and burned by the public hangman, and the circulation of the periodical strictly forbidden. Then the Parlement adjourned for its annual vacation. On September 29 the Chambre des Vacances began to function.³

On its return to the Palace of Justice, September 24, the Parlement had issued a proclamation against fireworks and processions, but this injunction was not taken seriously by the populace. "Every evening from five o'clock on," a contemporary observer tells us, "the quays and the public squares were obstructed by crowds. From the environs of the Palace of Justice and the end of the Rue de la Harpe up to the Portes Saint-Martin and Saint-Denis a curtain of fireworks was continually visible. Fire-crackers were tossed into carriages and under the feet of the horses, which caused serious accidents. Armed with clubs and led by incendiaries with torch in hand, the crowd burned sentry-boxes, and stopping before the statue of Henry IV as well as before the Hôtel du Contrôle Général, it forced passers-by to salute and to shout certain imprecations that had been agreed on, and even to give money under pretext of purchasing fireworks. Sometimes there were encounters with the patrol; whereupon the crowd scattered, for it was composed only of cowardly knaves and small boys led by older rioters. It would not be difficult to discover who stirred up the popular excitement and furnished the money for this misconduct. There must have been a considerable sum of money furnished, for it is estimated that in these last nights more than a hundred thousand livres' worth of fireworks have been consumed." ⁴ On September 29

³ *Arch. Parl.*, I, 330-333. *Gazette de Leyde*, No. 81. Hardy, September 27. Meanwhile the twelve provincial parlements had been reestablished in their various seats. "Everywhere," Sallier tells us, "the magistrates were received with acclamations and transports of an immoderate joy. The felicitations of all the corporations, public festivals, rejoicings, carried sometimes to the point of puerility, signalized their return. They abandoned themselves to the intoxication of these delights, without reflecting on the inconstancy of the popular favor." *Annales*, p. 209.

⁴ *Gazette de Leyde*, No. 82.

the Spanish ambassador wrote: "Yesterday evening the crowd ran through the Rue de la Harpe with torches and clubs, shouting *Vive le parlement*, drinking brandy without paying for it, breaking windows, and throwing fire-crackers into carriages, shops and the skirts of women, as chance offered. It made a demonstration before M. Necker's house; it gathered in front of the barracks of the French Guards, to whom it shouted that the parlement had declared that their only function was to defend the country; it insulted their patrols and those of the Watch. Last evening the latter killed an individual in the Rue Saint Martin and the French Guards killed another at the Palace of Justice." ⁵ Under date of October 1, Mallet du Pan observed: "This civil war, as some newspaper writers term it, is nothing more than a mutiny of rogues and boys, who are paid by some secret agents to make this disturbance. A number of them have been arrested, and all is over. The people, the minor *bourgeoisie*, have not taken the slightest part in these movements." ⁶

During the first week of October the Chambre des Vacations at Paris tried those who had been arrested for rioting, but condemned none except a wig-maker who had been caught in the act of applying a torch to a guard-house. He was fined and threatened with corporal punishment in case of a second offense. "The parlement did not think it ought to use severity now that tranquillity has been completely restored." ⁷

There was a suspicion that the popular demonstrations had been instigated and subsidized by men behind the scenes who sought in this way to embarrass the royal council and promote the interest of the Parlement. But if this were so, only the riffraff of Paris was affected. The solid bourgeoisie, as contemporaries are careful to attest, popped no fire-crackers, burned no sentry-boxes and marched in no processions. What were the sentiments of this important class of French citizens?

From the beginning of the struggle between crown and Parlement the bourgeoisie had largely stood aside in the attitude of watchful waiting, not perceiving clearly how it could profit by the victory of either party. It was as much opposed to arbitrary government as was the Parlement; it deemed the convocation of the Estates General advisable; it rejoiced when Necker returned to power because his

⁵ Mousset, *Un témoin ignoré*, p. 42.

⁶ *Memoirs and correspondence* (London, 1852), I.

⁷ *Gazette de Leyde*, No. 84.

presence in the royal council was a guarantee that the convocation would take place; but what should be the composition and organization of the proposed Estates General? Here was a question of vital concern that now pressed for solution. In 1614 and earlier the three orders had sat in three separate chambers and had voted as three separate orders; no order was bound by the decision of either or both of the others. If this organization should be adopted for the Estates General of 1789, the clergy and the nobility would be able to protect their privileges and immunities and veto any reform deemed detrimental to their interests. Was that what the bourgeoisie wanted?

The answer came suddenly at the end of September, and with startling effect. To the demand of the Parlement that the Estates General be convoked and composed as in 1614, the leaders of the bourgeoisie at Paris replied "with an energy truly alarming."⁸ They began to denounce the pretensions of the privileged classes and to make the counter demand that in the next Estates General the third estate be given an influence commensurate with its wealth, its intelligence, and its usefulness.

Necker was deeply embarrassed by this turn of events. He had counted on the parlements to restore credit, only to find that he had leant on a broken reed. It would have been in accord with the dictates of statesmanship for him to ignore the parlements from now on and to identify the interest of the crown with the interests of the third estate. At this time it would not have been difficult to induce the king, and especially the queen, to sanction such a policy, for the queen was deeply irritated at the privileged classes for having shipwrecked the projects of Brienne. But Necker was not the man to inaugurate so far-reaching a change of policy. Perhaps he distrusted his ability to persuade the royal council to defer to his judgment a second time. Perhaps he was conscious of his being only a foreigner and as such open to the ridicule and criticism of influential courtiers who might drive him from office. Moreover he was not a democrat by predilection,⁹ but a social climber who did not consider it demeaning to merit the compliments of the great. Whatever the reason, he felt

⁸ Weber, *Mémoires*, I, 256-257.

⁹ In the marriage contract of his daughter, Necker thus indicated his social status: "Messire Jacques Necker, late director of finances, noble baron de Coppet, seigneur de Bière, Bérole and other places, member of the Council of Sixty in the Republic of Geneva, and noble Dame Louise Curchodi de Nasse, his wife." Vicomte d'Haussonville, *The Salon of Madame Necker*, II, 63.

that he needs must take cognizance of this interference of the Parlement in the realm of politics.

The opening of the next scene reveals Necker sending his head clerk, M. Coster, to the Abbé Lecoigneux, *conseiller au parlement*, to canvass the possibility of persuading the magistrates to withdraw their demand for the Estates General organized as in 1614. Said the Abbé in his account of this interview,

M. Coster raised the objection that in 1614 the rural inhabitants had not participated in the elections and that in the "good cities" only municipal officers had participated. I pronounced these assertions erroneous, and, to obtain proof, I proposed that M. Coster go with me to M. de Genis, a magistrate who had made a special study of the public law of France. He consented. M. de Genis showed him all the documents (*procès-verbaux*) relative to the elections of 1614 and proved to him that the inhabitants of all the villages and hamlets had been convoked in electoral assemblies; that these assemblies had been convoked after announcement from the pulpit, at the sound of the bell, before the judge of the place; that these assemblies had appointed commissioners to draw up cahiers of grievances; that these cahiers had been read at the assemblies and adopted by them; that deputies had been elected to carry the cahiers to the assemblies of the bailiwicks and to participate there in the drafting of the general cahiers and in the election of deputies to the Estates General. As to the cities, it was not true that the third estate had been represented only by municipal officers. The latter had participated of course, but the greater part of each municipal assembly had been composed of deputies from the different corporations of the city, all convoked particularly, that is to say, deputies of the communities of the arts and trades, deputies of the urban parishes, etc., all elected in particular assemblies."¹⁰

M. Coster went away apparently convinced by the evidence; but from Necker's point of view the negotiations had failed, because the magistrates had shown no disposition to withdraw their demand.

Already, however, as early as September 28, Necker had been considering an alternative,¹¹ namely, "to balance the will of the first parlement of the kingdom with an imposing opinion."¹² "The king desired above all," he wrote in retrospect, "to find an organization for the Estates General that would captivate the confidence of the nation, an organization that would really enable this assembly to accomplish something. If it should fail to inspire public confidence,

¹⁰ Sallier, *Annales*, pp. 209-210.

¹¹ Baron de Staël-Holstein, *Corres. dipl.*, p. 91.

¹² *Sur l'administration de M. Necker, par lui-même*, p. 45.

its legislation would be without authority; its decrees would be badly obeyed and would become the source of confusion and of intestine divisions."¹³ "In the midst of an embarrassment deeply felt by all the members of the government, the proposition to reassemble the same Notables who had been convoked the preceding year was hailed as a happy thought. . . . We presumed nothing in recalling the former Notables, because they had been chosen at another time and for a purpose absolutely foreign to the questions that would be submitted to them for examination. Moreover, by their conduct, they had obtained the confidence of the nation."¹⁴ And Necker might have added that in 1787 they had advocated the formation of provincial assemblies in which the third estate was to have the double representation and in which the three orders were to deliberate together and count the votes by head. This, then, was the "happy thought": to pit the Notables against the Parlement of Paris, while Necker stood by as a benevolent neutral!

In the *Gazette de Leyde*, under date of October 2, we read: "During these last days the king has held several conferences to deliberate upon the form which will be employed for the convocation of the Estates General."¹⁵ The result of these deliberations was the decree of October 5, in the preamble of which are described very clearly the difficulties confronting the government. Clarified and slightly condensed, the preamble and decree may be made to read as follows:

The royal council has been studying the composition and organization of the Estates General that have been held at various periods of the monarchy and have discovered that no two have ever been alike. The Parlement of Paris has demanded that the Estates General of 1614 be taken as a model in all respects; but the royal council recognizes that the composition of that assembly is unsuited to present conditions. The suggestion that it be adopted has aroused protests worthy at least of a careful examination. In 1614 the elections of the third estate took place only in the principal cities, technically called the "good cities"; the other cities of France (and their number is large today and their importance great) did not participate; neither did the rural districts, with a few possible exceptions. Moreover, even in the "good cities," only the municipal officers voted. That abuse, it is true, was not so crying in 1614, because at that time the municipal officers

¹³ *Sur l'administration de M. Necker, par lui-même*, p. 46.

¹⁴ *Histoire de la rév. fr.*, I, 82-84.

¹⁵ No. 82.

were elected by the commune; but today municipal officers hold their places by right of purchase. In the minutes of the last Estates General all the deputies of the third estate were qualified as "nobles."

In 1614 the bailiwick was the electoral district, and all the bailiwicks had pretty much the same number of deputies, although they differed in size, wealth, and population. Thus the smallest and the greatest had the same influence. Since 1614 the number of these bailiwicks has increased and so have their inequalities. Moreover the territory of France has been increased by about one seventh. Shall this new territory, comprising the Trois-Évêches and Lorraine, be left unrepresented?

In 1614 the number of deputies to which each of the three orders was entitled was not determined; each bailiwick distributed the deputies among the clergy, the nobility, and the third estate in a haphazard manner. A great part of the time of the session was consumed in deciding electoral contests and squabbling over the manner of voting in the assembly.

The king desires that the next Estates General be convoked and composed in a constitutional manner; he desires that former usages be respected, in so far as they are applicable to present conditions and in so far as they are consistent with the dictates of reason and the legitimate will of the majority of the nation. After an interval of 175 years, during which great changes have taken place in many essential parts of the public order, it is difficult to determine what is constitutional and, at the same time, just and fair. His majesty seeks enlightenment. Moreover, he desires to give to the plans which he will adopt "the most imposing sanction." Therefore he recalls the Notables of 1787 for consultation upon the convocation and composition of the next Estates General. "Since these Notables were convoked in 1787 for matters absolutely foreign to the great question upon which the king wishes to consult them today, his majesty displays once more, by selecting them, that spirit of impartiality which is so closely allied to the purity of his motives." They will meet at Versailles on November 3 and finish their work in the course of the month. To guide them in their deliberations, the government will submit to them such information as it may be able to procure upon the convocation and composition of preceding Estates General and upon the regulations employed for the election of deputies.¹⁶

¹⁶ *Arch. Parl.*, I, 389-391.

Like much of Necker's policy, this decree was merely an expedient designed to obviate an embarrassing difficulty which had suddenly arisen. It modified slightly, but not essentially, the plan formulated by the decree of July 5; for the Assembly of Notables would now perform the duties originally assigned to the provincial assemblies. The nation-wide quest for information would continue, of course; but the reports, memorials, and documents would now be sent directly to Versailles for submission to the Notables. Contrary to what was originally contemplated, the provincial assemblies were not convened in the fall of 1788.¹⁷

Necker now took upon himself the direction of the quest for information. A few manuscript memorials and printed pamphlets had already been addressed to him voluntarily, usually accompanied by covering letters, which Coster annotated and filed away. Others were now solicited. Thus, on October 18, Necker wrote to a certain M. Delacroix, à Contant par Châlons-sur-Marne:

I have received, Monsieur, the memorial which you were good enough to send me concerning the best manner of convoking the Estates General and particularly the best manner of choosing the deputies whom the province of Champagne will send. I thank you for the care which you have devoted to the composition of this work. I assume that you have at hand some positive information relative to former Estates General and that you have found indications that in 1614 and earlier the third estate was represented only by the deputies of the cities, or that the right of election was restricted to certain boroughs or to certain corporations. I would be very much obliged to you if you would send me those documents either in the original or in authenticated copies. If you send me the originals, I will take care to return them to you.¹⁸

The same day (October 18) he wrote to Barentin: "M. de Lamoignon had collected many memorials from Paris and from the provinces upon the formation of the Estates General. He received one from the Abbé Garnier, who, having not kept a draft of it, is unable to give me a copy as I have requested him to do. I do not doubt, Monseigneur,

¹⁷ *Gazette de Leyde*, No. 70. That the Notables were intended to perform the function which the decree of July 5 had assigned to the provincial assemblies may be inferred from the following semi-official statement: "Elle [l'Assemblée de Notables] rendra d'ailleurs superflues les instructions qu'on attendait de ces assemblées provinciales; et la convocation prochaine des états généraux [fixed now for January] a fait renvoyer celles-ci à l'année prochaine. Il n'y aura donc point de ces assemblées cette année." "Lettre de Paris," dated October 9, 1788, in *Gazette de Leyde*, No. 84.

¹⁸ Archives Nationales, H 1681.

that all these documents have been transmitted to you and that you are receiving others daily from the different bailiwicks and seats of justice, in accordance with the request made of them by the decree of July 5. I would be very much obliged to you if you would send me these documents. You accord your confidence, in this kind of research, to M. Pastoret of the Académie des Inscriptions et Belles-Lettres. M. Coster is charged with the same kind of work in my department. They could arrange to transmit to each other reciprocally all the documents addressed to us and to submit to us the analysis and the results, if this suggestion meets with your approval."¹⁰ On October 22 Barentin replied that the memorial of the Abbé Garnier could not be found but that Pastoret might do well to coöperate with Coster in the manner suggested.²⁰

From this time on, Coster and Pastoret, working together, with the able assistance of such men as Louis Rondonneau,²¹ constituted a fact-finding commission, arranging, organizing, abstracting documents, and systematizing information, for the benefit of the Notables. The results of their activities are summarized in a curious memorandum, unsigned but neatly written by the hand of a clerk, and dated November 22. "In consequence of the decrees of July 6 [*sic*] and August 8," we read here, "the provinces, the tribunals, the corporations (*les corps*), the provincial assemblies and individuals address daily to the keeper of the seals, the secretaries of state and to the director general petitions, memorials and documents concerning the convocation of the Estates General. All these documents, as they come in, are assembled and arranged *par gouvernements*. Then they are turned over to MM. Hennin and Dupont for submission to the Notables, if the latter desire to examine them. So far as it is possible by means of simple extracts, an analysis of them has been made, from which one may get an idea of those that have arrived up to the present. The demands that result in decisions will be referred to the royal council and judged by the king."²² What use the Notables made of this mass of information will be noted in another chapter.

¹⁰ Arch. Nat., C9, C^{II} 27-29.

²⁰ *Ibid.*

²¹ Maurice Tournoux, *Bibliographie*, I, v.

²² Archives Nationales, C9, C^{II} 27-29. The provincial assemblies mentioned in this memorandum could have been, of course, only the "commissions intermédiaires" of those assemblies.

CHAPTER VI

SIX WEEKS OF PAMPHLETS

(September 25–November 6)

During the six weeks that intervened between the demand of the Parlement on September 25 and the meeting of the Notables on November 6, upwards of 150 pamphlets appeared in France, printed for the most part at Paris. Roughly speaking, one third of these were written by individuals who felt the urge to publish their views on the political situation; the others may be said to defy classification. Though an occasional pamphleteer avowed that he was writing in response to the decree of July 5, the majority neglected to give any excuse for violating the censorship. All wrote hastily and often with painful verbosity; but they must have found eager readers, for re-impressions and new editions were numerous. The following is an attempt to give the gist of the pamphlets that seem to have been the most influential.

No one can deny, wrote in substance the author of the *Réflexions d'un chartreux*, that the Parlement is the depository of the laws and the forms that safeguard public liberty. It was the duty of the Parlement, then, by reason of its guardianship, to demand that the Estates General be convoked and composed according to the form observed in 1614, because the convocation of 1614 was the last to take place in France. If that was defective, in that the rural districts were not sufficiently represented, it can be modified only by the nation itself in Estates General assembled. In other words, the Estates General must be convoked in a regular way before any modifications can be made. This is the only safe course to pursue, for the honesty and trustworthiness of the ministry can not readily be taken for granted. Rumor has it that the ministry is considering the advisability of picking the deputies from the provincial assemblies, although these assemblies are composed, to a great extent, of appointees of the crown. It is also rumored that in many provinces emissaries have been charged with the task of winning votes for the government and of buying them ~~perhaps~~. If given a free hand the ministry may weaken the

influence of the Estates General in three ways: by decreasing the number of deputies, by controlling the elections, and by corruption. The Parlement has not been unmindful of these possibilities, and, as the defender of public liberty and depository of the interests of the nation in the absence of the latter, it has acted wisely in demanding the convocation of 1614, in order to prevent the introduction of innovations that might prove detrimental to the national interests. Every citizen, then, instead of accusing the magistrates of perfidy, ought to hail them as friends of the nation.

To these *Réflexions* a pamphleteer replied: ¹ The king as supreme legislator can convoke and compose the Estates General as he pleases. To claim that, before any modifications can be made, the Estates General must first be convoked as in 1614 is to display ignorance of constitutional principles and of the plain dictates of reason and justice. France has changed since 1614. Many bailiwicks have been divided and others suppressed; new towns have sprung up and old towns have disappeared; population in some districts has increased and in others decreased; and the boundaries of the kingdom have been extended. Obviously then modifications in the old form must be made before the Estates General can be convoked. But, for the sake of argument, let us suppose that the nation can be convoked as in 1614 and that it can dictate the form of future convocations. How would it proceed to express its will? Would the three orders deliberate in three separate chambers and count the votes by order? If so, the two privileged orders would always unite to overwhelm the third. Would the votes be counted by head? If so, the third estate would still be in a minority, for the two privileged orders combined would always have more votes than the third estate. Obviously then any modifications made by the Estates General convoked and composed as in 1614 would always be favorable to the privileged orders and unfavorable to the vast majority of the nation. Here, then, is the abuse that must be corrected before the convocation takes place, and the king alone is capable of making the necessary changes. Louis XVI is virtuous and good, and can be trusted to hold the balance even. "Who told you," the writer asks, "that there are emissaries in the provinces charged with winning votes for the government?" Such rumors were absurd. Necker and his colleagues would never stoop to such forms of corruption.

¹ *Lettre au chartreux qui croit avoir deviné un des motifs de l'enregistrement du parlement du 25 septembre 1788* (S.l.n.d. Pp. 16).

It is true, admits the author of *Observations sur l'arrêt du conseil du 5 octobre 1788*, that there have been great differences in the way Estates General have deliberated in times past; but it is not true that there have been any essential differences in the way they have been convoked and composed. Always the bailiffs have been instructed by writs to convoke the inhabitants of their respective bailiwicks and to supervise the election of deputies. For a time, it is true, the elections of the third estate were restricted to the "good cities"; but this restriction was due to the fact that, up to the fifteenth century, the inhabitants of the villages and rural districts were still in serfdom. After the emancipation of the serfs, all free commoners were called by the bailiffs to the electoral assemblies. This was certainly true of the last four Estates General; in the writs of 1560, 1576, 1588, and 1614, there is no mention of the "good cities." One can easily find these writs transcribed in the pamphlets of the Comte de Lauraguais and in another pamphlet entitled *Recherches curieuses et instructives sur les états généraux*. Nor was it true that in 1614 the deputies of the third estate were qualified in the minutes of the session as "nobles." The expression employed was "noble homme," which meant no more than that the deputy was a burgher or notable of a city. But what if many of them were really nobles? Their election simply showed that they had the confidence of the third estate. The elections would not have been free had the king forbidden the third estate to choose whom it would. The number of the deputies assigned to the three orders respectively has not always been in the same ratio, it is true; but this is a matter of no importance, for in none of the former Estates General have the votes been counted by head.

His conclusion was that the Estates General should be convoked and composed as in 1614. "If the king had the right to change the form of convocation and to regulate the composition of the Estates General," he says, "these assemblies upon which we have founded all our hopes would be illusory and become pernicious; a predatory and perfidious ministry, fearing with reason the national justice, would soon make use of the executive power to change the essential forms; instead of convoking the nation, the ministry would convoke a group of vile and avaricious men, without knowledge, without character and patriotism, from whom it would receive the most outrageous praises instead of the chastisements it would have merited, and it would thus assure its tyranny upon the débris of the constitution. . . . Changes in the form of the convocation and composition

of the Estates General, as well as in the form of their deliberation, can be made only by the nation." Certainly the Notables, who have no mandate from the nation, can do no more in this respect than express an opinion.

To these *Observations* Jérôme Pétion replied overnight in a pamphlet entitled *Lettre d'un citoyen de l'ordre du tiers*:

When Necker was recalled, the public was informed that he had an excellent plan for the convocation of the Estates General, filled with the most popular and patriotic views. The Parlement of Paris, scandalized by this report, decided to signalize its triumphant return by enjoining the nation to assemble as in 1614. This imperious order struck everybody with the greatest astonishment. People asked each other what right the parlement had to prescribe for the nation the manner of its convocation; they could scarcely understand the meaning of this abuse of authority. . . . The true friends of the public welfare, who had been groaning over the unjust and tyrannical dispersion of the sovereign courts, were now alarmed at this unhappy portent and began to regret that the recall of these courts had not been deferred until after the convocation of the Estates General. The Parlement of Paris, frightened at the force with which public opinion rose against its decision and vitally interested in the retention of its popularity, has thought it prudent to explain its conduct in such a way as to seduce and appease the nation. In consequence it has caused the *Observations sur l'arrêt du conseil du 5 octobre* to be published. For, be not deceived; these *Observations* were inspired by it and drafted by one of its members.

Then Pétion proceeds to give his interpretation of the case. The Estates General, he says, have always been regulated by the king; innovations in their form and composition have always been made by the king; the nation, very imprudently, has neglected to occupy itself with the matter. This being so, the nation is really in the position where it would be if it had never been convoked, and Louis XVI is free in his turn to convoke and compose the Estates General as he pleases. If the king desires to conform to the strict rules of reason and justice and to the legitimate wishes of the majority of his subjects, he will give to the third estate a greater number of deputies than to the clergy and nobility combined, because the third estate is much more numerous than they and pays much more taxes. "The third estate," he continues, "peoples the church, the magistracy, the army; it occupies all the positions which give life and movement to the body politic; it mans the workshops, the factories, commerce; it cultivates and fertilizes the fields; it produces all the goods and services necessary to mankind; to it is due the prosperity of the nation; it is the

broad and solid basis—we were about to say that it alone is the nation." The third estate, then, should have a preponderant influence in the Estates General, and, to guarantee this preponderance, the third estate should be careful not to elect members of the privileged classes as its deputies.

Another writer explained² that the purpose of the decree of October 5 was evidently twofold: to discard as impracticable the form observed in 1614 and to substitute for it a new form which would take into account the extent, the wealth, and the population of the various bailiwicks. It was to approve this substitution, he conjectured, that the Notables had been recalled. But could individuals who held no mandate from the nation overthrow the constitution? The king himself had recognized that the nation alone had the right to change the forms which had always been observed for holding the Estates General, and in this decree the king was careful not to say that the Notables would give to the form he was about to adopt a *legal* but an *imposing* sanction. Moreover, many statements in the decree are contrary to fact. The forms observed in the convocation of the various Estates General had not differed from each other in any essential points. In the writs addressed to the bailiffs, the latter had always been enjoined to convoke the three orders *in the customary manner*. The elections of the deputies of the third estate in 1614 had not been restricted to the "good cities." More than a thousand *procès-verbaux* attest that the inhabitants of all the cities, and those of the rural districts as well, had concurred in the elections; and the deputies of the third estate had not been nearly all nobles. Nothing was more easy, he concludes, than to convoke the Estates General in accordance with the form observed in 1614: the king had but to send out writs enjoining the bailiffs to convoke the three orders in the customary manner. Whether the three orders, when assembled, should deliberate separately or in common was a question, he said, for the Estates General to decide. Whatever decision the Notables might make in regard to this matter would not be binding on the nation.

In the opinion of the author of a pamphlet entitled *Le Moniteur*, the virtuous magistrates who were fighting so valiantly for the liberty of their fellow-citizens deserved to have their names inscribed upon the scroll of history beside those of Brutus and Hampden. Let not misunderstandings, he exhorts, sow discord among the orders at

² *Recherches et réflexions nouvelles sur la convocation et la composition des états généraux* (S.L.n.d. Pp. 23). For author, see Bibliography, p. 238.

this moment when harmony is so necessary. The people must not be allowed to forget the great abuses of arbitrary government. Secondary abuses are harmful no doubt, but remember that secondary abuses can be eradicated only after liberty has been attained and the colossus of despotism completely overthrown. Let not the people be led astray, and aroused against its true benefactors, by secret enemies. "All this silly uproar, all these pamphlets in favor of the undisputed rights of the third estate, emanate from the anti-patriotic cabal whose object is to divert the attention of the people from the main issue, which is the destruction of arbitrary government and the reëstablishment of a free constitution, and to raise questions which it would be as useless as dangerous to discuss at this moment. There is no question about the third estate being the nation or almost the nation . . . but it is none the less true that the two first orders have ancient and constitutional rights which ought to be respected when not detrimental to the public welfare. The plebeian class, which has need of intermediate orders to defend it against the throne, would make a serious mistake to sacrifice them to the avidity and despotic designs of the government." There is no question, either, about the justice of an equitable distribution of taxation. Why repeat that demand *ad nauseam* when it is contested by no one? But the surrender of their pecuniary privileges must be voluntary on the part of the clergy and the nobility, and the money appropriated to the needs of the government must not be subject to the whims of those who govern.

"Another ruse employed by the pretended friends of the people," continues the same author, "is to raise the bogey of the third estate crushed in the national assembly by the preponderance of the superior orders, and the remedy suggested is the double representation. This maneuver is dictated by malignity on the one hand and by ignorance on the other. It is impossible for the third estate to be crushed by the clergy and the nobility; for, by the constitution of the Estates General, the votes of two orders can never bind the third. Each order is given a considerable number of deputies with a view to increasing its enlightenment and decreasing the possibility of corruption, but not with a view to increasing its weight and influence; for the orders deliberate separately and the unanimity of the three orders forms the will of the whole assembly. In all the national assemblies, the representatives of the third estate, by reason of the varied interests which it is their duty to defend, have had a natural preponderance which enabled them to take the lead in the deliberations. Let those who fear to see

them overwhelmed in the Estates General note what ascendancy the commons of Castile and Aragon have taken in the assemblies of those nations, despite the pride of the nobility and the pretensions of the clergy. Let them recall also that under King John, at the estates of Tours, at Orléans and at Blois, the third estate played the principal rôle and dictated the law to the other two orders." "The third estate," he continues in another place, "has been debased, in a sense, by the almost insulting distinctions which have been established between it and the superior orders and by the kind of impost to which it has been subjected; it has had to struggle against the prejudices of the provincial nobility, the vanity of the great nobles and the pretensions of the clergy; it needs therefore to present a united front and a consistent policy in the deliberations of the Estates General, and it can do this only by sitting and deliberating as a separate order. The third estate is numerous; it forms almost the totality of the nation; it has a monopoly on the enlightenment of the age; it will therefore know how to take in the Estates General the preponderance to which it is entitled by constitutional provision." "It is not a question," he emphasizes in conclusion, "of establishing a new constitution, but of assembling the débris of our old one and reconstructing it upon foundations more solid than those laid down by our forefathers." This done, arbitrary government will become impossible.

"The administration," we read in another pamphlet,³ "has announced the Estates General—and fears them; the Parlement has demanded the Estates General—and fears them. A foreign army has been called in by each party to terminate the civil war, but each party fears that its ally will become embarrassing after the victory is won." This is the perspicacious observation of a noble who tries hard to be "enlightened" and succeeds only in being inconsistent. Why bother with the assemblies of the Champ de Mars? he asks. The constitution which France had in the long ago is not the constitution that France needs today. "The title-deeds of nations are deposited in the archives of reason. Force seizes upon them and interprets them for a moment in its own way; but force grows old and enfeebled; reason never grows old; immortal, reason tells us that it is not good for millions of men to be subject to the arbitrary will of one man. Hence it follows that laws are necessary; hence it follows that a general will is necessary to make the laws or to modify them or to revoke them; hence it fol-

³ *Principes naturels et constitutifs des assemblées nationales* (S.L., 1788: Pp. 117).

lows that a means of discovering the general will is necessary: *ergo*, national representatives and a national assembly." In this national assembly the general will is better expressed when the votes are counted by order, because, in that case, we have two thirds against one third, instead, as in the other case, of only half of the votes plus one against half of the votes minus one. "But I think deliberation should be by order only when questions relative to the granting of taxes and property rights are being decided; it should be by head when the decisions involve the constitution of the realm, the organization of the Estates General, and the expenditure of the public funds." "A constitution," he concludes, "is a sort of heritage transmitted from generation to generation. The abuses which have altered it ought to be distinguished from the abuses inherent in it. The latter oblige us to go back to the source and change such parts of the constitution as are recognized as vicious; but the former ought to be removed as malignant excrescences. That nation is wise which leaves its old constitution intact. But what do we mean by *old*? We must go back from epoch to epoch until we reach the time when the constitution is most pure. So long as we find, on the road back, unauthorized usages, unauthorized prerogatives exercised by the sovereign, usages to which reason refuses its consent, it is clear that these must be abolished as foreign to the primitive national pact. . . . To eradicate these abuses is not to change the constitution but to consolidate it upon its original foundations." After groping his way through more than a hundred pages of this murkiness, the reader might well be pardoned if he should find himself a bit befuddled.

Another pamphlet,⁴ written avowedly in response to the decree of July 5, was composed (and apparently first published) in Languedoc by the Marquis de Serent. It was on the point of being sent to the press when the decree of October 5 appeared, and it went through several editions. In it the Marquis gives an historical account of the Estates General and advises, by way of conclusion, that old customs be observed so far as possible. The decree of October 5, he claimed, expressed his sentiments in this regard. As a practical means of getting started, he suggested that deputies might be chosen in accordance with the form observed in 1614; this preliminary assembly could read the cahiers and find out in this way how the nation wanted the Estates General convoked and composed.

⁴ *Exposition des objets discutés dans les états généraux de France depuis l'origine de la monarchie, par le marquis de S**** (S.l., 1788. Pp. 180).

The king, wrote another pamphleteer,⁵ has invited all enlightened citizens and corporations to furnish information upon the convocation of the Estates General. Why did he not appeal directly to the nation? When Dauphiné decided to reëstablish its defunct estates, it did not convoke them in accordance with the ancient form and expect them to rectify themselves afterwards. Had it done this, it would have met with insuperable obstacles in the form of local prejudices and corporate interests. But the province assembled of its own accord, and, through its immediate representatives, it determined the form which it deemed most suitable for the constitution of its estates. When, after having gained their liberty, the United States of America desired to form a more perfect union, what course did they take? Each State elected representatives in the ratio of one representative to every 30,000 inhabitants; and, after this congress had drafted a plan of constitution, the plan was submitted to each of the thirteen States to be accepted or rejected. Could France not do what has already been done in one of her provinces? Could France not do what has already been done by a people to whom France has rendered such potent assistance in the cause of liberty? If it is absolutely necessary that an impetus be given, the king, as the first organ of the social body, might invite the three orders of each province to choose representatives to deliberate upon the questions which the Notables have been convoked to deliberate upon. In this invitation, the king might explain that, since it was a question of balancing all interests, the third estate ought to choose as many representatives as the clergy and the nobility combined. Assemblies thus composed would have a legal character and sufficient authority to regulate the qualifications for voting and holding office, and they could determine how the three orders should deliberate and vote in the Estates General.

Another response⁶ to the decree of July 5 came from the pen of Antoine Joseph Lévrier, advocate at the Parlement of Paris. Among other things he said: The writs addressed by the king to the bailiffs for the convocation of the three orders within their respective jurisdictions always called for the election of a *deputy* by each of the

⁵ *Observations sur les principes de la constitution des états de Dauphiné, contenant leur examen et leur développement; pour servir aux états généraux* (S.l., 1788. Pp. 87).

⁶ *Mémoire sur les formes qui doivent précéder et accompagner la convocation des états généraux . . .* (S.l., 1788. Pp. 87).

orders. But these instructions were never followed literally; the third estate always sent more deputies than either of the other orders. This was no more than just and reasonable, he thought, for the third estate was much more numerous than either or both of the others; its interests were much more varied; its share in the public charges was heavier; and it constituted the principal strength of the State. The number of deputies which it had in the Estates General, then, corresponded somewhat to its general importance.

In the decree of July 5, Lévrier continues, the king expressed a desire to see a just balance established among the orders. This could best be done, he says, by giving to the third estate at least as many deputies as to the other two orders combined. In the recently formed provincial assemblies this had already been done, and it meets with general approval. But what would be the use of this double representation for the third estate if the votes are to be counted by order and not by head? It would always be possible for a bare majority of the clergy and a bare majority of the nobility to overbalance the vast majority of the Estates General. This inconvenience can best be obviated by taking again the provincial assemblies for a model, that is to say, by counting the votes by head, at least when dealing with questions of general interest; nothing would prevent the orders from deliberating separately upon matters of purely corporate interest.

But Lévrier recognizes that it is much easier to recommend a plan than to put a plan into execution. Deliberation in common and voting by head, he predicts, will meet with great obstacles in the form of local prejudices and corporate interests; there will be distrust, complaint, and protest; the Estates General will be denounced as unconstitutional by those whose interests and privileges are affected; the administration will be criticized for its arbitrary acts and for the mistakes it will inevitably make. So it would be wise and prudent for the king to convoke the next Estates General in accordance with the form observed in 1614, making only such changes in matters of detail as may be considered absolutely necessary. Whatever complaints, protests, and representations may come from the various cities, corporations, and provinces can not then be attributed to the faults and caprice of the royal administration. Standing on the form of 1614, the administration will be free from blame. Once assembled, the three orders can decide for themselves how they shall deliberate and vote and what shall be the composition of the next Estates General. Regulations thus made by the

nation itself will be better observed than regulations made by the king. The administration can accomplish much more by persuasion than by coercion.

In the opinion of another pamphleteer,⁷ equity demands that the non-privileged order balance the two privileged orders in the Estates General, because the questions discussed there will concern either new taxes or the best method of collecting old taxes, and in this regard the interests of the two privileged orders are opposed to the interest of the third estate. It would be only just and reasonable, then, that the third estate be given as many deputies as the two other orders combined. Surely the Notables, although they are nearly all members of the privileged classes, will recognize the justice of this demand. He suggests that the Estates General be composed of 600 deputies: 300 for the third estate and 300 for the two privileged orders. The clergy, being the least numerous, should have only 120: 60 for the higher clergy and 60 for the lower. The nobility should have 180: 60 for the higher nobility, 60 for the higher magistracy, and 60 for the lower nobility. The deputies of the third estate should be divided into five classes: 60 for the men of letters, 60 for the lawyers, 60 for the *rentiers* and financiers, 60 for the merchants, and 60 for the farmers. These 600 deputies should be distributed equally among twenty committees, each committee being composed of 30 deputies, to wit: 3 for the higher clergy, 3 for the lower clergy, 3 for the higher nobility, 3 for the higher magistracy, 3 for the lower nobility, and 3 for each of the five classes of the third estate. Thus composed, the committees could deliberate either separately or in common without upsetting the balance between the non-privileged and the privileged orders.

At the beginning of October two pamphlets appeared from the pen of the Comte de Lauraguais, a sarcastic writer and chronic trouble-maker. For his epigrams and witticisms he had already suffered five exiles and four imprisonments. When the convocation of the Estates General was mooted, he buried himself in the libraries of Paris, particularly in the archives of the Benedictines of Saint-Germain-des-Prés, and emerged after several months of research with enough material for a book on the national assemblies of France. But the book was never written, owing, as the Comte claimed, to the pressure of current events. Perhaps it was owing rather to his inability

⁷ *Réflexions sur la convocation des états généraux et moyens d'y procéder* (S.l., 1788. Pp. 25).

to put his material together; for he had a greater penchant for bitter controversy than for historical synthesis.

In his first pamphlet, entitled *Recueil de pièces historiques*, he indulges in sarcasm at the expense of Brienne for his delay in convoking the Estates General, and then proceeds to present official documents dealing with the elections at Paris of deputies to the last four Estates General. He accompanies the documents with long and discursive comments and interpretations, but he has nothing to say, one way or the other, about double representation or vote by head. His main contention seems to be that the Estates General should be composed of a great number of deputies. In a postscript, added after the pamphlet was in the hands of the printer, he took Delacroix⁸ bitterly to task for suggesting that the Estates General be composed of only 320 deputies.

In his second pamphlet,⁹ which is also of an historical nature, the Comte devotes much attention to the definition of feudal terms and legal formulas and eventually comes to the conclusion that the deputies to the Estates General are not representatives of the people in the modern sense, but only "mandate-bearers" of the bailiwicks. His theory in this regard, though not clearly explained, seems to be as follows: The bailiffs, on receipt of the writs from the king, will convoke the clergy, nobility, and third estate at the chief places of their respective bailiwicks. There, working together presumably, the three orders will draft "imperative mandates" for the deputies whom they will elect as "mandate-bearers" to the Estates General. It matters not how many deputies are elected for each bailiwick, for in the Estates General each bailiwick will have only one vote. There is to be no deliberation in any form, all questions being decided by counting the votes of the bailiwicks. For the Estates General to be a deliberative body would be subversive of the constitution; it would be equivalent to the transference of sovereignty from the people to the deputies.

Such was, the Comte contended, the only *constitutional* form of convocation; but M. Delacroix, in his ignorance and conceit, had proposed a novel form, in which the bailiwicks were to play no part and the number of deputies was to be only 320. The Comte knew for a certainty, he declared, that this was exactly the plan advocated by

⁸ For the pamphlet by Delacroix, see *supra*, pp. 33-34.

⁹ *Dissertation sur les assemblées nationales sous les trois races des rois de France* (Paris, 10 october 1788. Pp. 103).

Lamoignon, and he was going to denounce it to the Estates General. The decision of M. Necker to consult the Notables was also unconstitutional, but the Comte would discuss that in another publication.

At the end of October Delacroix published a reply¹⁰ to these strictures, in which he expressed genuine surprise and resentment at the insinuation that he was a minion of the detested ex-minister. Far from being in collusion with Lamoignon, he protested, he had had no confidence at all in the ministers of that time. "I believed it my duty," he says, "to disconcert the policy of the ministry by proposing a plan of convocation so simple and so easy of execution that it would be impossible for the ministry to reject it. I was careful not to propose that the Estates General be convoked by bailiwicks, because, when I composed my pamphlet, the tribunaux which had not registered the decrees of May 8 were closed and the others had lost the public confidence. So I proposed to convoke the deputies *par gouvernement*. I retained for all the provinces the greatest liberty of election. I was the first to champion the cause of the third estate by proposing that this order have six deputies to every four of the combined orders of clergy and nobility. This just ratio of votes in the public cause has since been adopted by a jurist who combines with rare virtues a zeal as enlightened as patriotic. His excellent work adds value, it seems to me, to my own, in that it fortifies with proofs the ideas that I only set forth." After this frank explanation, Delacroix hoped to be free from the calumnies of the Comte de Lauraguais, whom he did not know personally and whose acquaintance he did not care to make.

The jurist to whom Delacroix referred was the eminent Target of Paris, member of the Académie Française, whose pamphlet entitled *Les états généraux convoqués par Louis XVI* appeared at the end of October and went through several editions. The first pages contain an exhortation to peace, union, concord, and prudence. Change old institutions, he admonishes, with fear and trembling; repair rather than demolish; correct rather than destroy; but do not be too conservative; be guided always by the dictates of reason and justice. The question under discussion was how to procure for the nation a just and satisfactory representation in the Estates General. He did not know how many deputies attended the Estates General during the reigns of Philippe-le-Bel, Louis Hutin, and Philippe de Valois; but in 1356, when the English occupied nearly all of France, and Dau-

¹⁰ *Second mémoire de M. Delacroix, avocat au parlement, sur la tenue des états généraux, en réponse à M. le Comte de Lauraguais (S.l.n.d. Pp. 16).*

phiné, Provence, Brittany, and Burgundy had not yet been annexed to the kingdom, the number of deputies present was 800. In 1483, when the kingdom was almost as large as it was under Louis XIV, there were only 291 deputies present. Anjou, Maine, and Touraine, which together were less than two-thirds as large as Poitou, sent twenty-one deputies in 1614, while Poitou sent only seven. "Is it enough?" he finally asks, after devoting several pages to comparative statistics, and he concludes: "It would be strange indeed to pretend that this frightful disorder was a part of our political order, that this anarchy was a part of the constitution of the realm, that this masterpiece of irregularity and chance was for us a rule and a principle."

In 1302, he said, the nobility and the third estate deliberated in common; in 1355 the three orders sought and obtained permission to deliberate together; in 1483 they deliberated together and drafted a common cahier. It was on this occasion that the clergy and nobility declared "that they were deputed to the Estates General, not for their order, but for the nation." During the last four Estates General, he admitted, deliberation by order was the constant practice; but this was due to the fact that France was at this time a prey to discord, civil wars, party divisions, hatreds, fanaticism and ambition. In the absence, then, of any fixed rule in regard to the matter, he thought deliberation in common advisable, because it would be conducive to peace, union, and concord among the orders. He would not say that deliberation in common was necessary, but he would say that the three orders must needs be left absolutely free to deliberate and vote as they pleased, whether by bailiwicks, by governments, by order, or by head.

The records were lacking for the first Estates General, he continued; but for the last the records showed that the deputies were apportioned as follows: In 1483, 88 to the clergy, 86 to the nobility, and 118 to the third estate; in 1576, 104 to the clergy, 72 to the nobility, and 150 to the third estate; in 1588, 134 to the clergy, 180 to the nobility, and 192 to the third estate; in 1614, 144 to the clergy, 128 to the nobility, and 185 to the third estate. Thus there was no established ratio, and the number of deputies sent by the bailiwicks and provincial estates were subject to a similar variation. It devolved upon the king, therefore, in the absence of any fixed rule, to regulate the number and the ratio of the deputies. "To say that it is for the nation itself to will and ordain the composition of the Estates General," he said, "is to suppose that the nation can be assembled before

it assembles, that it can speak before being able to speak, or that many or a few deputies sent at random according to the fancy of each district will form the nation rather than deputies sent from all parts of the kingdom according to wise rules and just proportions."

The next Estates General, in his opinion, should be composed of about 1,200 deputies. "Since this representation is to embrace all the French, it is necessary to avow that the third estate is almost the entire nation. There are a million individuals in the two first orders, but there are twenty million in the third estate. I do not propose to distribute the deputies according to this ratio, but it is necessary that the nation have at least as much force as the two privileged orders combined." All things considered, the most just proportion, he thought, would be 250 deputies for the clergy, 250 for the nobility, and 750 for the third estate. Out of every five deputies, there should be one for the clergy, one for the nobility and three for the third estate.

Population, he thought, would not make a satisfactory basis for representation, because too many people lacked sufficient information and intelligence to have independent opinions on national questions. So he proposed that direct taxation be taken as the basis. The assessment rolls showed that France was charged with 212,700,000 livres in direct taxation. The division of this sum by 240 gives a quotient of 886,250, say, 900,000 in round numbers. Every district charged with 900,000 livres in direct taxation would have five deputies—one for the clergy, one for the nobility and three for the third estate. A district charged with 1,800,000 livres would have ten, and so on. In actual practice the plan would work as follows: Five deputies would be given to a bailiwick charged with 450,000 to 1,350,000 livres; ten to a bailiwick charged with 1,350,000 to 2,250,000 livres; fifteen to a bailiwick charged with 2,250,000 to 3,150,000 livres, and so on. A bailiwick charged with less than 450,000 livres would be united, for electoral purposes, with a neighboring bailiwick.

On receipt of writs from the king, the bailiffs would convoke, at the chief places of their respective bailiwicks, the clergy, the nobility, and the representatives of the cities, boroughs, villages, and communities. These assemblies would be advised by the bailiffs of the king's intentions and invited to proceed to the drafting of cahiers and the election of deputies. The three orders would be free to deliberate separately or in common; there would not be the shadow of

constraint; but his majesty would invite them to deliberate in common. Copies of the assessment rolls would be distributed among the members of each assembly to indicate how many deputies the bailiwick was entitled to elect. If the *pays d'états* should prefer to elect deputies and draft cahiers in their provincial estates instead of in the assemblies of the bailiwicks, they would be free to do so; but they would be required to conform to the general regulations of the kingdom in regard to the basis of representation and the proportional distribution of the deputies.

"How," he asks, "shall the three orders deliberate and vote, after the Estates General have assembled? As they please. No one has the right to prescribe the form of their deliberations. Free in its elections, free in its opinions, the nation is also free in its discipline." But he hoped and believed that the deputies would perceive the injustice of deliberation by order and the inconvenience of the right of veto. "They will unite at their first sitting," he predicted, "to decide whether they will deliberate by order or in common." "Blest be the day," he says in closing, "when this signal of peace and concord will be given to France."

While Target was writing this pamphlet at Paris, Rabaut de Saint-Etienne, Protestant pastor at Nîmes, was writing his *Considérations sur les intérêts du tiers état adressées au peuple des provinces*, which went through numerous editions both in the provinces and at Paris. Rabaut wrote in response to no royal decree but out of the depths of a burning heart. What made his pamphlet so popular was, evidently, its strong defense of the rights of the third estate as against the political and pecuniary privileges of the clergy and nobility.

The privileged orders, he says in substance, harp continually on the constitution of the monarchy, the ancient maxims of the monarchy, the fundamental laws of the monarchy. Do they mean by these fine phrases the constitution under Pharamond and Clovis? No. They have no desire to return to the conditions of that time. Do they mean the laws and customs of the first dynasty? Not at all. For the laws and the customs of the first dynasty were not the same as those of 1788. Do they mean the laws and customs of the second dynasty and the beginning of the third? No, indeed. What then do they mean by "constitution" and "fundamental laws"? They mean the constitution that gives them privileges and the laws that give them power. Beware, then, of the clamors of those who cry that the constitution is attacked

every time we demand reform. There is only one fundamental law of the State and that is the public welfare. "*Salus populi suprema lex est.*"

At the birth of the monarchy, Rabaut tells us, the conquering Franks assembled, lance in hand, to deliberate upon the common affairs. There was then only one order in the State, namely, the conquering Franks; the natives were reduced to serfdom. Such was the usage of the first epoch. This usage, which the nobles of time doubtless called the fundamental law of the monarchy, nevertheless changed. The kingdom became Christian, the priests were venerated, the bishops became feudal lords, they entered into the national assemblies, and even the nobles ceded them the first place. There were then two orders in the State, namely, the clergy and the nobility. Such was the fundamental law of the second epoch. After the Crusades the kings, who had long been struggling against the nobles, perceived that they could deliver themselves from their yoke only by giving the serfs their freedom. So they emancipated the inhabitants of the cities. The ruined nobles, imitating this example, also permitted the villages and boroughs to redeem themselves for a sum of money. There was then in the State a class of subjects called "freemen." These freemen, by engaging in commerce and industry, grew in wealth and importance, and after 300 years they were called to the Estates General by Philippe-le-Bel, who needed support against the Pope and also wanted money. They were received into the Estates General under the name of third estate. Such was the fundamental law of the third epoch.

Thus history teaches us, continues Rabaut, that there have been changes in the past and forces us to the conclusion that there can be changes in the present. A people at its birth can not draft a constitution and make laws that will be eternally binding on a growing nation. Only one principle has remained unchanged through the centuries: it is that the monarchy is the nation governed by a king. Beware, then, of this mania for proving what ought to be done by what has been done. It is precisely what has been done that we are complaining of: we have been sacrificed. Give heed only to the dictates of reason and justice, which hold true in all times and places, and to the dictates of natural right, which is the basis of all rights and of which the immortal principles can never be lost by prescription. Rabaut asks:

What is the third estate? It is the nation minus the clergy and the nobility. The clergy is not the nation; it is the clergy, that is to say, an assemblage of two hundred thousand nobles and commoners consecrated

to the service of the altar or of religion. The nobility is not the nation, but only the decorated part of the nation. It is a certain number of Frenchmen to whom certain hereditary honors and prerogatives have been accorded. Remove by supposition the two hundred thousand clergy and you still have the nation. Remove by supposition all the nobles and you still have the nation; for a thousand nobles can be created in a day, as was done after the Crusades. But remove the twenty-four million Frenchmen who constitute the third estate and what will you have left? Nobles and clergy, but not the nation.

Whether the three orders should deliberate separately or in common, Rabaut does not explain in this pamphlet; but he says that "each order should send deputies in proportion to its interests." The meaning of this is clear enough. Since the third estate is the nation, it should have the preponderance in the Estates General; the public welfare demands that corporate interests should not be allowed to prevail over national interest. However, in another pamphlet¹¹ commonly attributed to Rabaut, the following appears:

I do not know how the king proposes to compose the assembly of the Estates General; but if the third estate does not give itself as many deputies as the clergy and the nobility have, it will be useless for the third estate to send any deputies at all; its vote will be nullified, for the two first orders naturally have the same interests and will always be in agreement and will always vote as one group. Hence the necessity of a double representation for the third estate, without which it may expect to be sacrificed. If the third estate is refused this just advantage, it ought to refuse to send deputies. As the Estates General can not be legally held without the participation of all the three orders, either the Estates General will have to be renounced or else the demand of the third estate will have to be granted.

"Up to the present, Messieurs, France has had no stable constitution which guarantees the rights of the prince and his subjects." Thus runs the exhortation¹² addressed to the *syndics généraux* of Béarn, on October 24, by Mounier and others. It continues:

Provinces, orders and individuals are too much isolated from each other. Confining their attention solely to their own interests, they fail to see that division is synonymous with weakness. Bent on the preservation of their unique privileges, they neglect the defense of personal liberty and that of property rights. Authority, finding them disunited, is able to overwhelm them one after the other and even to play them off one

¹¹ *Avis important sur le ministère et sur l'assemblée prochaine des états généraux* (S.l., 1788. Pp. 48).

¹² *Lettre écrite par plusieurs citoyens du clergé, de la noblesse et des communes de Dauphiné à messieurs les syndics-généraux des états de Béarn* (S.l.n.d. Pp. 7).

against the other in order to impose upon them the yoke of servitude. Provinces ought to have separate interests only when they form federative republics, each enjoying its own sovereignty; but in a monarchy they can never be free unless they are directed by the same principles, animated by the same spirit and united for the maintenance of the general welfare. Turn your faces no longer to the past but to the present. Think no longer of what we have been but of what we wish to be: free citizens of France under a king. At a time when the representatives of the nation are going to deliberate upon the means of remedying the evils of which the nation is the victim, of conserving for the throne the éclat and dignity which it ought to have, of paying off the debts of the State, and of raising France again to that degree of glory which nature has destined for her, the Béarnais and the Dauphinois will not be the last to appear. . . . To enjoy our national rights, we ought to retain, of our individual privileges, only those that can not interfere with the happiness of our fellow-citizens. We ought to see France as our country and to see it whole. Let us form but one family. Béarnais, Bretons, Dauphinois, let us glorify the name of French citizen.

With wit and sarcasm, Servan, ex-advocate general at the Parlement of Grenoble, rang the changes on all the crying abuses of the time in a pamphlet entitled *Petit colloque élémentaire*. The following is an extract. A and B are the interlocutors:

A.—Hush. Let's withdraw; I'm afraid we'll be overheard. We can talk more freely in private. B.—You're right. If the good friends of Messieurs de Brienne and de Lamoignon should hear us talking about what the Parlement of Paris has just done, they would consider these ex-ministers justified, and laugh about it. I don't care to make men laugh who tried hard to make us weep. A.—Do you think Messieurs de Brienne and de Lamoignon are amused at this *arrêt* of the parlement? B.—I think that after the farce of the plenary court nothing has so much rejoiced these men as this demand for the Estates General in the form of 1614. Why? Because it may save their heads and honor. The nation which was so furious against them is beginning to be appeased. Already people are saying: "These ministers were fools and bad citizens; they tried to enslave other fools whose intentions were no better than theirs." People are even going so far as to recall the fable of the ass that escaped while two robbers fought over who should ride him. A.—And the ass in this case? B.—Heavens, man. The ass in this case is the people. A.—And the robbers? B.—What a question! The ex-ministers on the one hand and the parlements on the other. They fought each other to determine which should mount the ass. Will the ass find refuge in the Estates General? He certainly has my best wishes. A.—An idea has just come to me. No one is listening; I want to communicate it to you. B.—All right; out with it. A.—The parlements are sorry they ever demanded the Estates General. They are embarrassed—caught in their own trap. B.—What a brilliant idea, Monsieur A. But don't talk about it or you'll be arrested.

A.—Heaven preserve me. A fellow can't escape from the Conciergerie as easily as from the Isles de Sainte-Marguerite.¹⁸ Is that what you think, Monsieur B? B.—I think the parlements will leave no stone unturned to prevent the convocation of the Estates General. A.—But can they prevent it? B.—More easily than you think. Don't you already see the division among the three orders? The protest of one order will put a stop to everything. Monsieur A, the opportunity which presents itself today hangs only by a hair; if the parlement cuts that hair, the opportunity is gone and centuries will elapse before it comes again. A.—Yet the entire nation is looking forward to the meeting of the Estates General—is all worked up over it. B.—All that is merely the mountain in labor. If the parlement is the mid-wife, I tell you the mountain will miscarry or give birth only to a mouse as in 1614.

But Monsieur B goes on to predict that the nation will save itself from the parlements as it saved itself from Brienne and Lamoignon. There was M. Necker at the helm; he could be trusted.

In a series of *Dialogues entre un français et un anglais*, the Frenchman speaks: "If in the next Estates General the votes are counted by order, a considerable increase in the number of deputies for the third estate would make no difference; the third estate would be sacrificed. . . . Suppose that the clergy has one hundred deputies, the nobility a hundred, and the third estate two hundred. This is the ratio established in the provincial assemblies and in the new estates of Dauphiné. Some one raises a question favorable to the privileged orders and unfavorable to the third estate. The latter votes unanimously against it; each of the two other orders is divided in opinion, voting fifty-one to forty-nine in favor of it; there would then be 102 votes for and 298 against the proposition. Nevertheless the 102 votes would prevail over the 298: the decision would be made by a small majority." The Englishman agreed that it *was* unreasonable for the will of one million men to prevail over the will of twenty-three million.

Toward the latter half of October appeared the *Mémoire sur les états généraux, leurs droits et la manière de les convoquer*, by the Comte d'Antraigues. This pamphlet was composed in the Vivarais, province of Languedoc, during May, June, and July, 1788, and the first edition was published presumably at the place of composition. A second edition followed during the same year, and a third in 1789. Such popularity was evidently due to the ardor of the Comte's literary style and his propensity for strong statement rather than to the co-

¹⁸ This was a pleasantry at the expense of Duval d'Esprémesnil, who in September had been released from his imprisonment. See *supra*, p. 19.

gency of his argument. Imbued with the doctrines of Jean Jacques Rousseau, his personal friend, he preached the sovereignty of the people with a fervor approaching vehemence. Whether, however, he wanted a democracy or an aristocracy in France becomes clear only in the sequel.

Under the early monarchy the Comte d'Antraigues found the Franks in the full enjoyment of sovereignty. "Submitted in war to the chief whom they had elected but placing themselves by his side to exercise with him all the legislative functions, often arbiters of peace and war, their proud, free souls inspired them, despite their ignorance, with the precious notions which, in this century of enlightenment, still form the basis of public liberty. They marched to liberty by sentiment rather than by a process of reasoning, and the masculine virtues which they inherited from their fathers accompanied them into the countries which they conquered. . . . Assembled in the Champ-de-Mars around a king whom they had elected, the general will dictated the law; legislative authority resided all entire in these august assemblies; their suffrages alone made the laws before which they had to bow their invincible heads. The kings, subjected to the national laws, were punished for having infringed them when the time fixed for the return of these assemblies presented to the nation its supreme legislator and to the king his sovereign judge." And so on down to the accession of Hugh Capet, when national liberty disappeared with the introduction of hereditary fiefs.

In regard to the composition of the next Estates General and the number of deputies for each order, the Comte continues: "The third estate is the people and the people is the basis of the State, indeed it is the State itself. The other orders are only political divisions, while the people is everything by reason of the immutable law of nature which wills that everything be subordinate to the people and that its welfare be the supreme law of the State and the motive power which gives authority to all the laws. It is in the people that sovereignty resides, and by the people and for the people that the State exists. It is necessary, then, that the number of the people's representatives be equal at least to the number of the representatives of the other two orders united, so that the public interest may always predominate in an assembly which will cease to be national if the interest of any order whatever should enfeeble or annul the will of the people."

But the reader must be on his guard lest he be swept along to the

wrong conclusion by the whirlwind of the Comte's enthusiasm. The people is sovereign, it is true, but the people can not alienate or even delegate its sovereignty. Owing to the wide extent of the kingdom of France, sovereignty can not be exercised directly by the people except at the time of election or by insurrection. After an election the people remains sovereign the same as before. "Its representatives are only mandate-bearers of their constituents and can never deviate from their mandates." Hence it follows logically that there was to be in the Estates General no deliberation in any form. The general will of the nation was to be ascertained by comparing the cahiers of the deputies. As to whether the three orders should sit in separate chambers or in a common hall, the Comte has only this to say: "In demanding the form of 1614, one is demanding the national and constitutional form."

Before the opening of the Estates General the Comte d'Antraigues wrote two other pamphlets, but they were only supplementary to the first. Elected to the Estates General as a deputy of the nobility, he showed himself a strong opponent of deliberation in common and voting by head. When taken to task for his change of opinion, he explained in another pamphlet that he had never advocated deliberation in common and voting by head; those questions, he said, had not been raised at the time his first pamphlet was composed. A few isolated extracts, he admitted, might seem to imply that he favored voting by head; but he called attention to what he said about deputies being only mandate-bearers of their constituents and to the sentence in which he demanded the form of 1614. In 1790 the Comte emigrated and became an ultra-royalist, repenting at leisure no doubt for having proclaimed in haste the gospel according to Jean Jacques.

Sometime in October, Jacques Augustin Mourgue, economist, philanthropist, and member of the Royal Society of Sciences of Montpellier, published, presumably at Paris, a pamphlet entitled *Vues d'un citoyen sur la composition des états généraux*. He begins by assuring us that no two Estates General had ever been composed alike. On each occasion the composition had been dictated by the circumstances of the time. Those of 1614, for example, were not composed like those of 1588. If an interval of only twenty-six years necessitated changes, how much greater was the necessity after an interval of 175 years! Can any one believe, he asks, that France in 1788 is what France was in 1614? Have there been no changes in territory, population, wealth, commerce, industry, and above all in general enlightenment? In 1614,

he points out, the disparity in the number and the qualifications of the representatives of the various provinces was truly extraordinary. Brittany, for example, which was in 1614 as in 1788 one of the most important provinces in France, had only nineteen deputies, while Burgundy, which was only half so large and populous, had thirty-eight. Picardy, which was smaller and less important still, had thirty-four. Normandy had twenty-nine, while Guienne had forty-seven. Anjou, Maine, and La Perche had eight deputies of the clergy, three of the nobility, and five of the third estate. So the Estates General of 1614 could hardly be called a representative assembly of the French nation; they were rather an assembly of a great number of clergy, a certain number of nobility, and 149 municipal officers. Permeated, moreover, with local prejudices and corporate spirit, no Estates General since the foundation of the monarchy accomplished less for the nation than did these.

In his opinion, the next Estates General should be modeled after the recently restored and reorganized estates of Dauphiné, in which the three orders were given representation in the ratio of one for the clergy, two for the nobility, and three for the third estate. He justified this ratio on the ground that the third estate was more numerous and wealthy than the two privileged orders combined and that the nobility held more lands and lordships than did the clergy.

But as there were nobles and clergy, so there were burghers and farmers. In the cities was to be found almost all the industrial and commercial wealth; in the rural districts, the landed wealth. Without the farmer, the man of industry and the man of commerce could not exist; without the merchant and the industrialist, the farmer would languish. So essential were these two classes to each other that they could not well be formed into two political orders as in Sweden; but it seemed necessary to give to each a separate representation. He suggested, therefore, that half the deputies of the third estate be chosen from and by the farmers and half from and by the burghers.

All things considered, Mourgue thought the Estates General might be best composed of 634 deputies: 102 for the clergy, 204 for the nobility, and 328 for the third estate. But what was the use of this carefully worked-out ratio, he asked, if the votes were to be counted by order and not by head? The clergy and the nobility would always be in agreement and always in opposition to the third estate. It would take only a bare majority in each of the privileged orders to carry a measure over the vast majority; 155 votes might easily prevail

over 479. Of all the methods of voting, this was, in his opinion, the most unreasonable. If the nation was to be given an opportunity to express its will, the votes of the deputies in the Estates General would have to be counted by head.

It had been urged, he said, that the Estates General be convoked and composed in accordance with the form observed in 1614 and then left free to decide for themselves whether the three orders should deliberate separately or in common. To this argument he replied that the Estates General thus convoked and composed would never decide in favor of deliberation in common. The question of the convocation and composition, then, would have to be decided before the meeting took place, and, under the circumstances, the king alone as the organ of the nation would have to make the decision.

Late in October or early in November, Jean Claude de Lametherie, *docteur en médecine*, published a pamphlet entitled *De la convocation des états généraux*, which begins as follows: "The Estates General are convoked for the month of January. The pressing needs of the nation do not permit the convocation to be deferred. But how shall this assembly be composed? The government has asked for information and enlightenment on this question. Every good citizen ought to furnish some. Let us first consult history to see what has been done." At the end of a dozen pages he comes to this conclusion: "The manner of electing representatives to the Estates General has varied and in general has been very irregular. In consequence it is necessary today to consider less what has been done in times of trouble than what ought to be done now." And so he discards history for the dictates of reason and "natural law."

The clergy and nobility ought to renounce their political privileges, he says; but, supposing these privileges are retained, the clergy and nobility ought to form only one order. For why should the clergy have special representatives? It is as if the farmers or the merchants or the magistrates or the soldiers should wish to have special representatives. Indeed the clergy has even less reason than these others, because it is supposed to have renounced temporal affairs and to be occupied only with spiritual affairs. In the English House of Lords there are only twenty-six bishops and 139 lay lords, and the English have good reasons for this ratio. The ecclesiastics in France entered the national assemblies only as barons possessing noble lands and noble privileges. Now, as they possess less than a sixth part of the noble lands and, at a rough estimate, are to the rest of the nobility as

one to six, there ought to be in the national assembly at most only one ecclesiastic to every six lay lords or at least only one to three.

In what ratio ought the third estate to be represented?

The number of representatives for each order ought to be in proportion to the number of individuals who compose it, because each individual has the same interest in the commonwealth and in consequence the same rights, whether he be noble or non-noble. Now, the nobles and ecclesiastics are only one-tenth as numerous as the other citizens who have the right to vote and to be represented. So the privileged orders should have at most only one-tenth as many deputies as the third estate. Yet the deputies of the commons have never had more than one vote, while the privileged orders have always had two. This usage can not be tolerated today. Nevertheless it would be difficult to compel the privileged orders to comply with the demands of justice in respect to the proper ratio. Public opinion, however, has already reached the decision that, if the old distinction of orders is to be retained, the deputies of the commons must be at least as numerous as those of the other two orders combined and have the same number of votes. This is what has already been done in the recently formed provincial assemblies. We will suppose then that this form will be observed, and the votes counted by head, in the next Estates General.

We come now to another question. Shall the deputies of the three orders form only one chamber or two as in England? This last method has certain advantages. A project discussed and approved in one chamber is sent to the other and, if approved there, it has the force of law. The executive power sees to it that the law is enforced. This prevents any surprise which an eloquent member or a powerful cabal might be able to effect, and in consequence renders the constitution much more stable. In this hypothesis, the commons could always have a convenient number of deputies, say, 600, 700, or 800, and the other orders might have the same number or less. Since the two chambers would have the same authority, the number of deputies assigned to each would be a matter of indifference. I should like to see this form adopted at the present moment in France.

Another pamphlet published at the end of October or early in November was entitled *De la convocation de la prochaine tenue des états généraux en France*, by Pierre Louis de Lacretelle, lawyer and publicist, of Paris. The style is heavy and the reasoning is often abstract, but the attentive reader will discover in this pamphlet a well-sustained argument in favor of giving to the third estate a preponderant influence in the next Estates General. It would be mere pedantry, Lacretelle says, to insist that only ancient forms are legal. Above positive law is the law of nature, applicable to all times and places, which says that a nation can make and change institutions at will. We have no intention of destroying privileges, he says; but it is

not just and reasonable that the privileged orders, deliberating apart, should dominate the Estates General and obstruct wholesome reforms. To return to the forms of 1614 or earlier would be equivalent to a return to feudal conditions. It would be fortunate for France if a fire should consume all her archives, for then the nation would have to be convoked according to the dictates of reason and justice, without reference to ancient documents.

Before the Notables met, Bertrand de Molleville, intendant of Brittany, published an important pamphlet entitled *Observations adressées à l'assemblée des notables*, in which he said :

The composition of the Estates General has never been determined by any law; it has always been regulated by the writs addressed by the king to the bailiffs on the occasion of the holding of each assembly. So the composition of no two assemblies has ever been exactly the same, and yet these assemblies have always been quite regular and constitutional because these words "regular" and "constitutional," in their most exact acceptation, designate what is conformable to the general and particular decrees and ordinances of our kings. Now, since the writs have up to the present been only the decree or ordinance which has determined the composition of the Estates General, the convocation has always been perfectly regular and constitutional when it has conformed absolutely to the writs. This truth has been so well recognized by the Estates General themselves that, despite the considerable differences in their composition, they have never pretended that their composition or their convocation was irregular or unconstitutional. All have recognized that these variations arise from the exclusive right of the king to authorize and convoke assemblies in his kingdom, and compose them too, in whatever manner he sees fit. To make them absolutely regular, it is sufficient that they be convoked and composed in the exact manner that has been ordained in the writs. No reasonable difficulty can be raised in regard to this point. It is impossible to admit any other principle in a monarchical government without changing its constitution. It is not by studying the capitularies and ordinances of our kings, then, that the constitutional form of the Estates General can be discovered.

Whether it would be advantageous to the nation, the writer continues, for the three orders to deliberate apart and count the votes by order or deliberate in common and count the votes by head, is a debatable question; but the constitutional right of the monarch to convoke and compose the Estates General as he sees fit can not be doubted. If the king should decide that the three orders must deliberate in common and vote by head, he should at the same time, in obedience to the dictates of reason and justice, decree that each order must be represented in proportion to the number of individuals who

compose it. "It is useless to say any more on this question," he continues, "for nothing indicates that the king intends to change the form of deliberation. On the contrary, his majesty has formally declared in the decree of October 5 that he intends to respect old usages in so far as they are applicable to present conditions. Now there have been, since 1614, no changes in the constitution of the Estates General important enough to warrant an innovation so considerable in the form of deliberations. There is reason to presume, then, that in the next Estates General the three orders will deliberate separately. In that case, the validity of the deliberations can not be, in any manner, dependent on the number of deputies of which each order will be composed." However, since the third estate pays most of the taxes and suffers most from abuses; since the third estate has a very extensive knowledge of agriculture, industry, and commerce, and can in consequence offer more suggestions in regard to the kind of encouragement and protection that these occupations stand most in need of, it would be but natural that the king give to the third estate a greater number of deputies than to either of the other two orders; indeed the government and the Estates General would be better instructed if the third estate were given as many deputies as the clergy and nobility combined. "One can even say that this ratio is indicated today by the will of the greatest part of the nation."

Such were the important pamphlets published between September 25 and November 6, 1788. Though each writer viewed the question in dispute from a slightly different angle, it is possible to generalize as to the results. The defenders of the privileged classes demanded the restoration of what they were pleased to call the old constitution of France as a means of curbing the arbitrary power of the king; but it was as obvious as the sun at noontide that if the defunct Estates General were revived with the organization of 1614 the clergy and the nobility would be able to safeguard their privileges and block wholesome reform. The defenders of the third estate, on the other hand, sought to discover an organization for the rehabilitated Estates General whereby the non-privileged order could at least balance the two privileged orders and thus make reform and the equitable distribution of taxation possible. The recently formed provincial assemblies offered a model for such a balance, and so did the English Parliament. But who should decide the question? Both sides to the controversy agreed that the nation should decide it. But how could the nation decide it before deciding how to decide it? The defenders

of the privileged classes answered that the nation should decide it through the Estates General organized as in 1614, which was equivalent to a decision of the question in advance. The defenders of the third estate answered that, since the nation was not properly represented in 1614 or earlier, the nation should decide it through an assembly organized and composed in such a way as to deprive the privileged orders of their traditional preponderance, which was also equivalent to a decision of the question in advance. Thus, in the last analysis, the initial decision devolved upon Necker; but, busy with his ledgers and careful of his popularity, Necker desired nothing so much as to be left entirely out of the picture. So he sought to shift the responsibility to the Notables of 1787. What would the Notables recommend? All eyes were now turned to them, perforce, in hope and misgiving.

CHAPTER VII

THE SECOND ASSEMBLY OF THE NOTABLES

On November 6 the ceremony of opening the second assembly of the Notables took place at Versailles in the Hôtel des Menus Plaisirs. Outside the barriers set up in the hall, some five or six hundred spectators looked on.¹ From the throne the king delivered a short address. "Before convoking the Estates General," he said, "I have desired, Messieurs, to consult you with respect to the form which I ought to prefer in order to render the Estates General more useful to all my kingdom. I have given orders that you be supplied with such information as may be useful to guide you in the examination of the different questions with which you will be occupied." Barentin, keeper of the seals, followed with a longer speech, pompous and laudatory. Then Necker took the floor. Stripped of frills and furbelows, the speech of the director general may be summarized as follows:

The king desires to respect old usages and to avoid unnecessary innovations, but at the same time he recognizes the existence of certain inalterable principles of justice which impose on him the duty of ascertaining the will of his subjects by means of a just representation. Since the last meeting of the Estates General the mass of the people has become more generally enlightened; there has been a considerable increase in the amount of money in circulation, which has given rise to a new kind of wealth based on commerce and industry; the immensity of the public debt has brought to light a numerous class of citizens who are closely bound to the prosperity of the State by ties formerly unknown; commerce, manufactures, and the arts have reached a point of development and importance which the men of 1614 could have had no conception of; in a word, the third estate has risen to prominence and by its services to the State has justly earned the esteem and confidence of the king. On the other hand, his majesty is not unmindful of the services performed by the two first orders of his kingdom. Hallowed by time are the rights of the clergy.

¹ Hardy's "Journal," under date of November 6, 1788.

To this order is intrusted the guardianship of morality, education, and religion, than which there is no more important service. Grateful also is his majesty to that generous nobility whose services from century to century have made glorious the annals of France. The two first orders have rights which the king desires to respect, but at the same time he desires that the enjoyment of these rights be tempered with justice.

Since you have been convoked, Messieurs [the speech continued], to assist the ministers of the king with your enlightened counsel, you certainly have no need of guidance; but at the request of the king I have collected such information as may be useful to you, and I shall now explain how this information has been arranged. I have made of your work four general divisions, to wit: composition, convocation, election, and instructions. Under the head of composition, you will find information relative to the number of deputies elected to preceding Estates General, the number elected by each order, and the manner in which the three orders sat and voted. Under the head of convocation, you will find information relative to such questions as the following: To whom should the king address the writs of convocation? How should the electors be summoned? Should the three orders, in the electoral assemblies, sit together or apart? Under the third head you will find information relative to the qualifications necessary to be elector or deputy; whether the third estate should be free to elect as its deputies members of the two privileged orders; whether a ratio should be established for the number of deputies elected respectively by the cities and the rural districts; whether the voting in the electoral assemblies should be oral or by ballot, and so on. How the instructions for the deputies should be drafted is the principal question under the last head. In using this information, you will of course, in accordance with the wishes of the king, interpret all obscure points in the light of reason and justice. Remember that nearly two centuries have elapsed since the last meeting of the Estates General and that many changes have taken place in France.

Continuing, Necker explained that the original documents containing this information would be placed at the disposal of Hennin and Dupont, the two secretaries of the assembly, and, by order of the king, two or three persons conversant with the archives and the public law of France would be in constant attendance at Versailles to give counsel and advice. Although there had been little time for it, pertinent extracts and in some instances entire documents had been

transcribed and arranged for convenient reference; copies of this compilation would be placed at the disposition of the Notables. Should additional information be needed, an effort would be made to supply it without delay. Moreover, the king had caused a list of twenty-five questions to be drawn up and grouped under the four heads mentioned above, and a copy of these questions would be submitted to each bureau of the assembly. Necker was careful to explain, however, that the questions were to serve for guidance only: the Notables would be free to change the order of the questions and to add others to the list.

The first sitting of each bureau, it was presumed, would be devoted to an examination of the twenty-five questions, after which a general committee composed of delegates from all the bureaus would meet and modify the list in the light of such suggestions as might have been made in the different bureaus. As the discussion progressed in subsequent sittings, the general committee would continue to meet from time to time in order to compare the opinions advanced and to harmonize the decisions rendered. No serious differences of opinion, it was presumed, would arise in an assembly which, during the session of the previous year, had acted in such general accord and shown such a fine spirit of patriotism.

Necker closed his speech with an appeal to the Notables to set about their task with energy and despatch, for the king and the nation were in a hurry to assure "the prosperity of the State and the happiness of the monarch."² Such was the impression made by the speech that, according to the Venetian ambassador, many of the Notables were moved to tears.³ At the termination of the sitting, the princes of the blood informed the members of their respective bureaus where to meet on the next day to begin their examination of the twenty-five questions.⁴

For the purpose of deliberation the Notables were, according to rank, equitably distributed among six committees, or bureaus as they were called, each composed of twenty-four members. Monsieur (the Comte de Provence) presided over the first, the Comte d'Artois over

² *Procès-verbal de l'assemblée de notables, tenue à Versailles en l'année 1788* (Paris, Impr. Royale, 1789), pp. 53-65.

³ *I dispacci degli ambasciatori veneti alla corte di Francia durante la rivoluzione*, editi da Massimo Kovalevsky (Torino, 1895), I, 5.

⁴ *Procès-verbal de l'assemblée de notables*, p. 78.

the second, the Duc d'Orléans over the third, the Prince de Condé over the fourth, the Duc de Bourbon over the fifth, and the Prince de Conti over the sixth. In 1787 there had been a seventh bureau under the presidency of the Duc de Penthièvre, but on account of illness the Duc de Penthièvre had excused himself from attendance in 1788, and, there being no other prince of the blood old enough to take his place, the seventh bureau had been suppressed and its members distributed among the other six.⁶ The members of each bureau met in the apartment of its prince president and occupied seats around a large table. One of the members acted as reporter.⁸

When the bureaux met on November 7, each found on its table a printed copy of the speeches delivered on the preceding day, a copy of the twenty-five questions, and a bundle of extracts, abstracts, and statistical tabulations bearing on the first category of questions. After some time had been devoted in each bureau to organization and to polite formalities, the reporter began the reading of these documents. In the second bureau, over which the Comte d'Artois presided, this reading had not proceeded far before a secretary was despatched to M. Necker with a request for further information—for the original document, in fact, from which "an extract numbered eight" had been taken. Already there seems to have been considerable discussion around the six big tables, and even criticism, of Necker and his questions.⁷ M. Coster and his assistants were beginning to find the work of the fact-finding commission very exacting.

On the evening of November 10, a general committee composed of five members from each bureau, counting the prince presidents, met in the apartment of Monsieur and sat around his big table. The purpose of the meeting was to agree on a common plan for the examination of Necker's questions. Here the argument prevailed that, since the fact-finding commission had arranged the documentary information to fit the questions, it would be inadvisable for the time being to disturb the arrangement by changing the order of the questions. So it was agreed that each bureau would first study the questions in the order proposed, and in the light of the information furnished, by the director general, expressing preliminary opinions thereon but withholding definitive decisions. When this task had been

⁶ *Gazette de Leyde* (1788), No. 93.

⁸ Minutes of the second assembly of notables, Archives Nationales, C 6-7.

⁷ *Ibid.*

completed, a general committee would meet again and recommend the next step.⁸

For two weeks thereafter the bureaux studied the questions assiduously and plied Necker with requests for further information. He sent back such responses as he was "in position to make in the light of the documents so far collected." Some of the Notables found the information inadequate and expressed the hope that more might speedily be furnished, to the end that satisfactory conclusions might be reached. The second bureau worked the hardest at its task and was the hardest to satisfy. Evidence of its veneration for documents is found in the numerous extracts, abstracts, and tabulations attached to its minutes. The other bureaux were only a shade less insistent; their minutes mention great quantities of documents submitted by Necker, sometimes as many as thirty-five in a bundle. Before the two weeks were out, the interested public knew that a majority in each of the bureaux had expressed preliminary opinions unfavorable to the vote by head and that the double representation for the third estate had been favored by a bare majority in only one bureau, the one over which Monsieur presided. Common report had it that Monsieur himself had cast the deciding vote.⁹

On November 27 the second general committee met in the apartment of Monsieur and began the process of extending by intercalation the list of questions submitted by Necker. As time was needed for making fair copies and for possible additions, the completion of the task was postponed until the next day, when fifty-four questions were adopted as the definitive list. These were now to be given definitive answers.¹⁰

At this second sitting of the committee the Prince de Conti, addressing Monsieur as the presiding officer, delivered a tirade which was by request reduced to writing and by courtesy called a "motion." In its written form it reads in part as follows:

I owe it, Monsieur, to the acquittal of my conscience, to the critical position of the State, and to my birth, to observe to you that we are inundated with scandalous writings which spread trouble and division throughout the kingdom. The monarchy is attacked; its destruction is desired, and

⁸ *Procès-verbal de l'Assemblée de notables*, pp. 80-85.

⁹ Browning, *Despatches*, II, 116-117. *Gazette de Leyde* (1788), Nos. 95, 96, 97. Lescure, *Corres.*, II, 304. Bergh *The Writings of Thomas Jefferson*, VII, 184, 191.

¹⁰ *Procès-verbal*, pp. 86-90, 92.

we have all but reached the fatal moment. But, Monsieur, it is impossible for the king not to open his eyes and for his brother princes not to help him open them. Be good enough then, Monsieur, to represent to his majesty how important it is for the stability of his throne, for law and order, *that all the new systems be proscribed forever, and that the constitution and the ancient forms be maintained in their integrity.* . . . I terminate, Monsieur, by asking you to be good enough to put the question to this committee, where the delegates from the different bureaux are assembled, whether or not they are in favor of having you lay before the king what I have just said. . . .¹¹

This was the response to the demands and remonstrances lately addressed to the government by the various cities, districts, and provinces, as well as to the numerous pamphlets addressed to the public.

Whether or not Monsieur was surprised at this outburst is not revealed by the records. He put the question to the committee, and the delegates voted unanimously to refer it to the bureaux for decision. That afternoon, without waiting to hear from the bureaux, Monsieur sought an audience with the king and explained what had happened. The next day he received a note from the king forbidding the bureaux to occupy themselves with the "motion." "The Prince de Conti, as well as the other princes of my blood," wrote the king, "ought to address themselves directly to me, and I will hear them gladly, when they wish to tell me anything that they deem useful to me"¹² Monsieur passed the note on to the bureaux and they all conformed to the orders of the king, but not before the "motion" had been discussed with approval in some of them. In the second bureau, M. Leblanc de Castillon, *procureur-général* at the Parlement of Aix, expressed strong approval and desired nothing less than a decree of council to suppress the writings and punish the writers. Whereupon the Marquis de Lafayette expressed the greatest surprise that a magistrate, a *procureur-général au parlement*, could solicit a decree of council, an act of arbitrary authority, to inflict a punishment which the law disapproved and which the law alone could inflict.¹³

Though tabled thus by order of the king, the "motion" had never-

¹¹ *Ibid.*, pp. 91-92.

¹² *Ibid.*, p. 94.

¹³ Minutes of the second bureau, 20th sitting; fourth bureau, 18th sitting. Archives Nationales, C 7. *Gazette de Leyde* (1788), No. 100.

theless all the qualities of a *pronunciamento*. By it notice was served on whom it might concern that there was in the privileged orders a large group of intransigents who would never yield to deliberation in common and voting by head.

So far Necker had been very careful to stand aside from the controversy, leaving the Notables to the mercy of public opinion; but by November 28 he was convinced that the majority of the Notables had determined to stem the tide of public opinion and advise the king to adopt a policy which, because of its unpopularity, could not be successfully carried out. According to Sallier, who was at this time *conseiller* at the Parlement of Paris, Necker cast about for an indirect means of effecting a compromise and conceived the remarkable idea of using the Parlement of Paris for this purpose.

Since September 25 the younger members of the Parlement of Paris had been inconsolable over their sudden loss of popularity and were ready, after their return from vacation, to greet any opportunity to recover the popular favor. One day M. d'Héricourt, president of the Cour des Requêtes, called on Duval d'Espréménail, so Sallier tells us, with a message from Necker, who was reported as saying :

Frightful dissensions are breaking out everywhere. The demand is that the third estate have a double representation in the Estates General. If the third estate obtains the double representation by force, all will be lost. Voting by head will be the necessary consequence of this violent conquest, and the third estate, in its irritation, will no longer know any moderation. We do not want voting by head any more than you do; but we think it necessary to grant the double representation in order to calm the public mind and pacify people of good faith. Let us consent to this double representation, but at the same time let us save the imperiled constitution. Perhaps it would be harmful, it would certainly be dangerous, for the parlement to declare its opinion in a positive manner in favor of voting by order. Nothing obliges us to do this. It will suffice for the present not to abandon the principle, not to seem to call it in question. This is all that the circumstances require. At the same time let us allay the fear of the third estate relative to the continuation of the *taille*, a tax to which it alone is subject. In this way we shall have removed all pretext for uneasiness and pacified the people of good faith. At the same time let us grant the double representation to the third estate in order to give it a satisfaction to which it attaches so much importance. This concession, it is true, is a deviation from the severity of constitutional principles, but the sacrifice is necessary to prevent greater misfortunes.¹⁴

¹⁴ Sallier, *Annales françaises*, p. 225. For the details of the negotiations between Necker and the magistrates, we have only this account by Sallier; but in support

D'Esprémesnil welcomed this overture with enthusiasm and hastened to communicate the glad tidings to Adrien Duport. Other disconsolate spirits were admitted to the conferences, and the text of a solemn declaration was elaborated. This was adopted by the Parlement on December 5 by a majority of 45 to 39.¹⁵

The declaration begins by explaining that the intention of the Parlement had been misunderstood by people of good faith and its motives badly distorted by people of evil purpose. Reference had indeed been made on September 25 to the convocation and composition of the Estates General in accordance with the forms observed in 1614, but what the Parlement had meant to say on that occasion was simply this, that the Estates General should be convoked by bailiwicks instead of by *gouvernements* or by *généralités* and should be composed of deputies freely elected. The *number* of deputies for each order was not mentioned by the Parlement because that had never been fixed by law or custom. Recognizing its incompetence to deal with that question, the Parlement had trusted to the wisdom of the king to decide it in accordance with the dictates of reason, justice, liberty, and the general will. In addition to this declaration the Parlement very humbly petitioned the king to permit no delay in the convocation of the Estates General and, as a means of restoring tranquillity in the public mind and harmony among the orders, to declare and consecrate the following: periodical meetings of the Estates General; the right of the Estates General to control revenues and expenditures and to guarantee the debts of the State; the reform and equitable distribution of the taxes; the responsibility of the ministers, in the sense that they might be impeached by the Estates General and tried by the courts;

of the affirmation that there were some such negotiations we have Barentin's statement (*Mémoire autographe*, p. 84) that "l'arrêté du parlement du 5 décembre a été provoqué par lui [Necker], ou, ce qui revient au même, par ses émissaires." Barentin at the time of writing was deeply prejudiced against Necker, and his evidence should therefore be used with caution. Even he adds on another page (*Ibid.*, p. 90): "Je ne prétends pas au reste attester, parce que je n'en ai point de preuve directe, que M. Necker ait été l'auteur de l'arrêté du 5 décembre; mais je ne puis douter qu'il le vit avec satisfaction." What does Necker himself have to say on this point? In his *Histoire de la révolution française* (I, 105-106) we read: "On crut dans le temps que le parlement était informé des dispositions du monarque, et qu'il voulait prendre rang le premier dans la faveur de la nation. Qu'importe? Sa démarche n'est pas moins remarquable." I interpret this statement as an admission by Necker that there were negotiations between him and the Parlement prior to and concerning the declaration of December 5.

¹⁵ Sallier, pp. 225-226.

the discontinuance of arbitrary arrests; and the liberty of the press, with the proper safeguards against abuse.¹⁰

A gloss on the full meaning of this declaration was furnished by d'Espr mesnil himself in a hastily written pamphlet dated December 7. He explains:

Voting by order, the three orders being so independent of each other that two can not bind the third—that is the constitution. Voting by head is the exception, to be resorted to only in the following case: When the three orders can not agree but wish nevertheless to reach a decision, they may meet of their own free will and accord to deliberate together and arrive at a decision by counting the votes by head, or they may only confer together and retire afterwards each into its own chamber to deliberate again separately and decide if they are in agreement. The heated discussion now in progress over the number of deputies for each order is a masterpiece of perversity which it is time to unmask, for all France is in agreement. There are in the kingdom few nobles and ecclesiastics who hold, I do not say to their prerogatives of birth and rank, for that is just, but to their pecuniary privileges. Holding to the latter would be absurd among fellow-citizens equally subject to the common charges. Then distribute the taxes equitably and you cut the root of the trouble between the third estate and the two first orders. Retain deliberation by order and the independence of the orders and you fortify them against the efforts of the ministry. . . . The number of deputies for each order is a matter of indifference. If it is a question of a distinctive impost, the order which supports it should alone deliberate on it. What need has this order to occupy itself with the number of deputies in the other two orders? If it is a question of a tax common to all three orders, what need has any order to occupy itself with the number of deputies in the other two? Two orders can not bind the third. . . . It is important of course that the third estate be fortified with a sufficient number of deputies, but against whom? Against the clergy and the nobility? Not at all. Against whom then? I must needs say it: against ministerial despotism, the common enemy of the king and the three orders. *Voil  le mot!* I dare then entreat the clergy and nobility not to be uneasy if the third estate obtains, as it will obtain, a larger representation than it had in 1614. The public interest, which is the first of all interests, and the interest of public liberty appear to demand that this be so. Let us bless Providence for having conducted the nation to this issue through the instrumentality of the present ministry. . . . I now address myself to the persons of evil purpose mentioned in the declaration of December 5, and I say: "You have been allowed to have your way; it is too late for you to retrace your steps. You kept demanding a larger representation for the third estate. Your demands have been granted, but your designs have failed. It is not to ambition and calumny that so great an advantage shall accrue, but to liberty and truth. The third estate with-

¹⁰ Flammermont, *Remontrances du parlement de Paris au XVIII^e si cle* (Paris, 1898), III, 780-782, *Arch. Parl.*, I, 550-551. Brette, I, 33.

out doubt will be represented by a convenient number . . . but the result will not be what you expected. The Estates General will consolidate forever the liberty of all, the property of all and the rights of all, and will put beyond the reach of harm, not pecuniary privileges which are to be abandoned, but the just prerogatives of the clergy and nobility, against which you hoped to arouse the third estate."¹⁷

In the light of this explanation, one can easily see that the declaration of December 5 has none of the qualities of a recantation. Nevertheless it served Necker's purpose well. If he should undertake now to double the representation of the third estate, he would have the backing of an authority far more competent in matters of constitutional law than was the Assembly of Notables. But this lesson was lost on the majority of the Notables, who declined to truckle to public opinion.

During the first week of December the bureaux were occupied with the formulation of definitive answers to the fifty-four questions drafted by the general committee on November 28. This task completed, a committee in each bureau drew up a careful report containing the questions, the answers, and the reasons for the answers, which the prince president of the bureau submitted to the king.

The first six questions called for advice upon the proper way to *compose* the Estates General. The Notables were unanimous in their opinion that the Estates General should be composed of deputies elected by bailiwicks; but whether all the bailiwicks, irrespective of population and wealth, should have the same number of deputations gave rise to a difference of opinion. Monsieur's bureau, by a vote of 17 to 8, recommended the following: A bailiwick with 100,000 inhabitants or less should have one deputation; with 100,000 to 200,000, two deputations; with 200,000 or more, three deputations. But the other bureaux, appealing to usage, equity, and the examples of England, Holland, and Switzerland, were of the opinion that one deputation was sufficient for even the largest bailiwick. All agreed that the *pays d'états* should be allowed to elect their deputations, not by bailiwicks, but in accordance with their peculiar usages.

Should a deputation be composed of three members, one for the clergy, one for the nobility and one for the third estate? or should it be composed of four members, one for the clergy, one for the nobility

¹⁷ *Réflexions d'un magistrat sur la question du nombre et celle de l'opinion par ordre ou par tête* (S.l., 7 décembre 1788. Pp. 7). In a pamphlet entitled *Déclaration de M. d'Esprémesnil au sujet d'un imprimé*, d'Esprémesnil admits that he was the author of the *Réflexions*.

and two for the third estate? This was a burning question, and in each bureau there was a diversity of opinions. For the sake of clarity we shall follow the answers and the arguments through all six bureaux.

The first bureau recommended by a vote of 13 to 12 that a deputation should consist of four members—that is to say, a bare majority of the first bureau favored the so-called double representation for the third estate. The following was the argument: In 1483 the third estate had thirty deputies more than the clergy and thirty-two more than the nobility; in 1576, forty-eight more than the clergy and twelve more than the nobility; in 1614, fifty-one more than the clergy and fifty-seven more than the nobility. Thus, while there never was any uniform practice, the third estate always had more deputies than either of the privileged orders. Now, to reduce the deputies of each order to a numerical equality would be to break with established custom and deprive the third estate of a right sanctioned by the nation itself. Should the Estates General vote by order, the number of deputies for each order would be a matter of indifference; but, should they vote by head, the number of deputies for each order would become a matter of supreme importance. Now it can not be denied that the Estates General are free to vote as they please. With double representation for the third estate, deliberation in common and voting by head would be possible; without double representation for the third estate, deliberation in common and voting by head would be impracticable. No doubt the votes will usually be counted by order, but it might happen that on important occasions everything would be blocked by the veto. At such times the Estates General ought to be free to break the deadlock by assembling in one chamber and voting by head. The three orders should certainly remain distinct; but it might happen, especially in regard to the distribution of the public burdens, that the two privileged orders, bound together by common interests, would be inclined to impose on the third estate. To protect the third estate from this injustice, voting by head should be made possible. The former Estates General voted by order, it is true, but they never accomplished anything. It ought to be possible for the next Estates General to vote sometimes by order and sometimes by head.¹⁸

Twelve members of the bureau, however, thought otherwise.

¹⁸ *Procès-verbal de l'assemblée de notables*, pp. 101-105.

Equality in the number of representatives is based on the equality of influence which the three orders enjoy in the Estates General. The clergy, the nobility and the third estate have different ranks but the same rights. Their common privilege is to grant voluntarily the same taxes; their special interest is to safeguard their independence. Decisions are arrived at by the concurrence of the three orders, and no decision is binding on all without this concurrence. Hence it follows that the will of the third estate can not bind the nobility, the will of the nobility can not bind the clergy, and the two orders can not bind the third. Justice dictates that the burdens of taxation be distributed equitably, but this equitable distribution of the public burdens can not be maintained without equality of representation. Such in France is the balance of powers. It does not give the third estate an unjust ascendancy over the other two orders, and it does not permit the other two orders to lay down the law to the third estate. . . . It is for this reason that the three orders have been called in equal numbers to the assemblies of the nation ever since regular methods of procedure have been followed. The writs of convocation for many centuries contain proof of this, and their phraseology has not varied since 1483. . . . To give the third estate a double representation would be a subversion of the constitution. It would lead to deliberation by head; it would suggest the idea; it would encourage the third estate to strive for predominance; and who can calculate the fatal consequences? . . . For these reasons, twelve members of Monsieur's bureau recommend that there be no change in the ratio of deputies. The third estate should respect the ancient limits which our constitution assigns to it. Satisfied to be free and independent, it should not aspire to lay down the law to the other orders.¹⁰

The second bureau pointed out that the old writs of convocation contain the following phrases: "a deputy for each order," "a deputy for each order and no more," "a deputy for each order at least." This could only mean, the bureau said, that in former Estates General the three orders were on a parity as regards the number of deputies. In consequence, it decided by a vote of 16 to 8, one member being absent, that in the next Estates General each order should have only one third of all the deputies.²⁰

The third bureau was impressed by the fact that in the last five Estates General the third estate had had a few more deputies than either of the other two orders; but the majority of the bureau were convinced that this slight disparity in numbers had been due to accident rather than design. They explained the disparity by saying that some deputies, though regularly elected, had nevertheless abstained from attending, while others who attended had been only *suppléants*.

¹⁰ *Ibid.*, pp. 105-108.

²⁰ *Ibid.*, pp. 147-149.

On each occasion, they said, whatever the number of deputies, the three orders had been on an exact parity in regard to votes.

But this bureau was not content to rest its case entirely on precedent. It took into consideration "the principles of natural justice." With respect to property, the majority of the bureau reasoned thus:

The privileged orders constitute perhaps more than two thirds of the nation, for the bureau considers as members of these two orders all the nobles and *anoblis*, all ecclesiastics in holy orders, all the monasteries, colleges, hospitals, and the members of the Order of Malta. Since all these classes are members of the clergy and nobility, it is impossible to pretend that the privileged orders do not possess the greatest part of the property of the kingdom; especially if one remembers that almost all the rural properties are only concessions of the *seigneurs*, who, having reserved *cens* and *redevances* on these concessions, are still the primitive proprietors of them.

With respect to taxation, said the bureau, the privileged orders are not so delinquent as commonly supposed.

Two thirds of the public revenues are derived from duties on *consumptions*, and on contracts and other acts of society. To these the three orders contribute absolutely in the same manner without distinction. The other third of the revenues is derived from such taxes as the *capitation* and the *vingtièmes*. Here the clergy contributes under another form, but the nobles contribute like the rest. If there is any injustice with respect to the distribution of these taxes, the members of this bureau hereby express the most formal will that this injustice be removed. . . . There remain the *taille* with its accessories and the *corvée*. These taxes do not amount to one fifth of the public revenue. It is to this part alone that the privileged orders do not contribute in quite the same proportion as the third estate. But all their farmers contribute. Almost all their estates are leased out; and the exemption from the *taille*, which is limited to the immediate domains of the *seigneurs* (even to a certain number of plows), does not amount to one fifth of this fifth part of the public revenues. Yet the members of the privileged orders are eager to declare herewith, each individually, that their most ardent desire is that the Estates General adopt such forms of taxation as will be free from arbitrary apportionment and free from those characteristics which the clergy and the nobility find repugnant, so that all the orders and all the classes of citizens may support the pecuniary burdens of the State in an exact proportion to their ability to pay.

than the two privileged orders combined, but to base representation

The bureau admitted that the third estate was far more numerous on population was, the majority declared, manifestly absurd. Even the writers of pamphlets were too reasonable to demand that: "they have

only proposed that the number of deputies be in proportion to the nature of the interests." Now, when these interests are examined, it will be found that the interests of the third estate will be properly taken care of by the old method of representation.

The population is distributed among the cities and the rural districts, the inhabitants of the former being perhaps less than one-tenth as numerous as those of the latter. Yet in the Estates General the deputies of the third estate represent almost exclusively the inhabitants of the cities. Here, then, are two very dissimilar interests. The inhabitants of the rural districts are sellers, those of the cities are buyers; the former are producers, the latter are consumers; agriculture is the principal occupation of the one class, while industry and commerce are the principal occupations of the other. So it would be difficult, not to say impossible, to give these two classes representation in proportion to their numbers and, at the same time, in proportion to their interests. But the interests of the rural inhabitants are exactly the same as those of the *seigneurs*. The *seigneurs* and their vassals may have their private differences, but their public interests are identical. The *seigneurs* can increase the income from their farms, from their *dimes* and *champarts*, from their mills and other dues, only so long as their estates are well populated; they can be prosperous only so long as their vassals are in easy circumstances. Now, because of this identity of interest, the lay and ecclesiastical *seigneurs* are the true and natural representatives of the rural districts. The deputies of the third estate represent only the commerce and industry of the cities.

This being the case, the majority of the third bureau could not understand how the third estate could be dissatisfied with the old method of representation. If the double representation were granted, "the cities," they said, "will have in the Estates General a weight out of all proportion to their population; the rural districts, besides the deputies whom they will have in the third estate, will be represented by the privileged orders because of the identity of interests mentioned above. The clergy and the nobility, having in certain respects different interests, will alternately agree in opinion with the third estate, as has often been the case in the past. The curés and other members of the lower clergy, being essentially members of the third estate, will defend its interests in the first order." So the third estate had no reason to fear that its interests would be jeopardized. In the last resort, there was the veto which could be used to protect its interests.

All these facts having been ripely considered, sixteen members of

the third bureau voted in favor of giving each order in the next Estates General exactly the same number of deputies.

Six others voted in favor of the double representation. They could not discover in the old methods of procedure, they said, any definite rule concerning the number of deputies for each order. To them it seemed that the number had been determined on each occasion by the circumstances of the time or by the importance of the business transacted. The third estate had been called in 1302 because the business to be transacted was of great interest to the third estate. In the last five Estates General the third estate had had a greater number of deputies than either of the other two orders. Since 1614 the spread of enlightenment, the progress in industry and commerce, the increase in wealth, and the growth of cities were just so many reasons why the third estate should have a greater proportion of deputies than ever before. The next Estates General would deal with the question of taxation and with the equitable distribution of the taxes among all classes. This question was of supreme importance to the third estate, and, if it were not given the double representation, it might take the law into its own hands and send more deputies than the other orders combined.²¹ "Would it not be more worthy of the wisdom of the king to regulate with prudence the number of deputies which the third estate will have over and above the number assigned to the other two orders?" Of course, the Estates General once assembled, will be free to deliberate and vote as they please. "But at least we shall have satisfied the general desire of the third estate."²²

The fourth bureau recognized that if the sixth question were previously solved the solution of the fifth would become comparatively simple. So it took up the sixth question first and decided by unanimous vote that the three orders should deliberate and vote separately. That point established, it did not matter, the bureau opined, whether

²¹ "En l'année 1797," wrote Sallier, "Duport étant revenu un moment en France, je parlais avec lui des différentes époques de la révolution. Je lui disais qu'elle avait été décidée par le doublement du tiers état accordé par le roi. Point du tout, me répondit-il; si on ne nous eût pas accordé ce doublement, nous l'aurions pris de force, comme la confusion des ordres et l'opinion par têtes, que l'on ne nous a pas accordés." Then Duport proceeded to explain in great detail how the third estate would have forced the government and the privileged orders to accept the double representation. *Annales françaises*, pp. 268-269.

²² *Procès-verbal de l'assemblée de notables*, pp. 214-230. Two members of the bureau advocated an interesting compromise. *Ibid.*, p. 231.

the third estate had a double representation or not; for, in any case, each order would have only one vote.²³

Without advancing any new arguments, the fifth bureau decided by unanimous vote that the number of deputies for each order would be the same.

The sixth bureau was divided in opinion. Six members favored the double representation, with the following arguments: The third estate is composed of the most useful class of citizens in the monarchy; it is ten times more numerous than the other two orders combined; it pays most of the taxes; and its interests are evidently opposed to the interests of the privileged orders, who, to stifle the voice of the third estate, have all the advantages that come from birth, rank, credit, and fortune. Is it just that the third estate have in the assembly of the nation only half as much influence as the two privileged orders combined? Influence ought to be in proportion to interests. The Notables of 1787 recognized this principle when they ratified the formation of the provincial assemblies, in which the third estate was to have the double representation. The third estate is composed of many distinct classes—magistrates, capitalists, merchants, and all the industrial professions. Would it not be just to give it a greater representation than ever before on account of its varied interests? The privileged orders have nothing to fear. Would they not have a thousand means of seduction? They would always be able to detach votes from the third estate, while the latter would have no means of acquiring the preponderance.²⁴

But the eighteen Notables forming the majority reasoned as follows: "The three orders have a common interest in the suppression of the abuses which injure all classes of society; then they ought to have in this respect the same degree of influence in the deliberations that concern abuses. As to the abuses from which one order suffers in particular, it is for the order that suffers to expose and combat them. To exercise this right, the third estate does not need a greater number of deputies than it formerly had, because in drafting its cahiers of grievances it can employ all the help it wants." The privileged orders would certainly not try to prevent the third estate from formulating whatever complaints it deemed advisable. But "if the Estates General should propose new laws to the king or any changes

²³ *Ibid.*, pp. 269, 290-294.

²⁴ *Ibid.*, pp. 415-417.

in the old laws, that is a subject which interests all the orders alike."

It was only in regard to the question of taxation, the eighteen opined, that the third estate might complain of inequality of influence; but it really had little ground for complaint in this regard. The taxes which the nation paid were divided into the direct and the indirect. The latter, which were derived from dues upon *consommations*, were paid by all individuals in proportion to their fortunes, and no one could escape. The direct taxes were the *capitation*, the *vingtièmes*, and the *taille* with its accessories. The clergy and the nobility were not exempt from either the *capitation* or the *vingtièmes*. If the clergy appeared not to be subject to these taxes, it had to pay their equivalent under the name of *dons gratuits*. As to the nobility, it paid them in the same proportion and in the same manner as the third estate. As to the *taille* and the contributions accessory to it, the clergy and the nobility were personally exempt; but it was necessary to note that in all the provinces officially surveyed and valued, which formed a considerable part of France, they did not enjoy this exemption, because the *taille* was assessed upon the land irrespective of ownership. They enjoyed this privilege then only in the *pays d'élections*; but it was very well known that almost all the lands belonging to the privileged orders were cultivated by farmers who paid the *taille* and its accessories, and these farmers forced the proprietors ultimately to pay by deducting the amount of the *taille* from the price of the leases. Full exemption from the tax was enjoyed only by a small number of gentlemen who cultivated their lands with their own hands. They were for the most part extremely poor; the exemptions which they enjoyed were their only means of subsistence; the third estate admitted that an exemption limited to such a small class was a matter of no great importance.

It was true that up to 1788 the valuation of the clerical property had not been made, and people supposed that the *dons gratuits* were far below what the clergy ought to pay. It was also true that the noble proprietors had too often made use of their credit and influence to obtain from the administration very great mitigations in the payment of the *capitation* and especially of the *vingtièmes*, and that these mitigations had necessarily increased the amount of the taxes paid by the non-privileged classes. But while these favors had been extended in fact, they had not been enjoyed by legal right. It was only a question now of limiting the privileges of the first two orders to what was strictly legal. The clergy could retain its privilege of making its contribution under the form of *dons gratuits*, because it was not the form

but the amount of the contribution that was important. As soon as the clerical properties could be surveyed and valued, it would be easy to regulate the amount of the *dons gratuits*, and the clergy would contribute in the same proportion as the other orders.

The great abuses in the matter of the distribution of the public charges, continued the eighteen, were going to cease; there was no need to complain of that any longer. The privileged orders consented to pay thenceforth the taxes in proportion to their properties. The recently formed provincial assemblies would see to it that equality in the matter of taxation would be established.

When the third estate was granted, in the provincial assemblies, the same number of votes as the other two orders combined, the Notables recognized that, in these local bodies, where the principal topic of discussion would be the apportionment of the taxes among the taxpayers, there was no inconvenience in giving the third estate an influence commensurate with its individual interest; but in the Estates General, where the great questions concerning the entire nation are discussed, there would be no injustice in reducing the third estate to its rightful level and in placing it on an equality with each of the other two orders. The Notables then would not incur the reproach of inconsistency if they admitted for the Estates General another principle than that for the provincial assemblies.

In reality, "third estate" is synonymous with "bourgeoisie." The inhabitants of the rural districts would be convoked like the other citizens, no doubt; but the men chosen as representatives would always be inhabitants of the cities. Country people would not accept such a mission; they would not care to leave their homes and occupations. It is only the cities then that are demanding an influence in the Estates General equal to that of the privileged orders combined.

In view of these facts, the majority of the sixth bureau were not inclined to advise a change in the old form of representation. "There have always been three orders in France," they said, "and there has always been a perfect equality among them. It is this precious equality, this balance of power, which maintains in the State that perfect equilibrium which ensures safety and tranquillity."²⁵

Should the three orders sit apart in three separate chambers and count the votes by order, each order having the right of veto? Or should the three orders sit together in the same chamber and decide

²⁵ *Procès-verbal*, pp. 417-424.

all questions by a majority vote of the individual deputies? In other words, should the Estates General vote by order or by head? This was the sixth question.

The first bureau decided by a vote of 21 to 4 that the Estates General, when assembled, would be free to sit and vote as they pleased.²⁶ The second bureau decided unanimously that, to be constitutional, they must sit in three separate chambers and count the votes by order. The nation, so reasoned the second bureau, is divided into three orders of citizens, and each order has its legal existence and its imprescriptible rights. The right to deliberate by order in the Estates General is the logical consequence of this distinction of orders. The first Estates General, namely, those of 1302, deliberated by order; one of the orders even demanded time to deliberate after the other two had finished. The Estates General of 1355 established the rule that no decision was valid unless concurred in by all three orders; that is to say, the votes of two orders could not bind the third. In 1576 the third estate itself invoked this rule to protect its own interest. In 1588 and 1614 the rule was still in force. The three estates, it is true, have sometimes conferred together, by commission or otherwise, relative to their common interests; but they did not, by reason of these conferences, surrender their right to deliberate separately.²⁷

The third bureau did not presume to dictate to the Estates General how they should deliberate at every sitting throughout the entire session; but, in order to avoid disagreement and possibly a deadlock at the start, the bureau thought "that the first deliberation ought to be taken separately by each order."²⁸

The fourth bureau was unanimous in its opinion that the three orders should deliberate separately and count the votes by order. The reasons advanced were as follows: In 1302 the three orders deliberated separately; the records show that the clergy, the nobility, and the third estate each wrote a separate letter to Rome. After 1560 each order habitually drew up a separate cahier.

It would be useless to say more, but one could prove easily that this equilibrium is equally advantageous to all three orders. It preserves the monarchical constitution and the intermediary and dependent powers which form an unbroken chain for the sovereign down to the last subject. It maintains each order in its individual liberty, and gives a just weight and a sufficient authority to the results of their deliberations. By this equi-

²⁶ *Procès-verbal*, p. 108.

²⁷ *Ibid.*, pp. 149-151.

²⁸ *Ibid.*, p. 232.

librium the interests of all the orders, and especially those of the third estate, are more solidly assured than by any other system. The liberty of the third estate is absolute. Whether the decision involves the grant or the apportionment of the taxes or any other question, the third estate is absolutely independent. What other constitution could be more favorable to it? ²⁹

The fifth bureau expressed the same opinion by a vote of 23 to 1, and the sixth bureau with unanimity.

Thus voting by head was emphatically rejected by the Notables and double representation failed of approval by a vote of 113 to 32. The only concession which the majority of the Notables were willing to make to public opinion was a promise that the privileged orders would thenceforth submit to an equitable distribution of taxes; but the same men had made the same promise in 1787 and in actual practice nothing had come of it. So there was no reason to take the promise seriously. Besides, the Notables had no authority to bind the other members of the privileged orders, who, as the sequel was to show, were not all willing to make this concession.

The questions numbered seven to twelve inclusive called for advice upon the proper way to *convoke* the Estates General. Here the Notables were in substantial agreement. The writs of convocation should be addressed to the bailiffs through the agency of the provincial governors. Upon receipt of the writs, the bailiffs would convoke the three orders within their respective bailiwicks in the customary manner. Ecclesiastics holding benefices and nobles possessing fiefs would be notified personally at their principal domiciles; the rest would be notified by public announcement. On the day appointed for the assembly, the ecclesiastics and the nobles, with representatives of the third estate, would meet in the chief place of the bailiwick under the presidency of the bailiff, who would read to them the royal instructions. By common consent the three orders might continue to sit together under the presidency of the bailiff, but it was customary for them to separate at this point and sit apart in three different places. The ranking ecclesiastic should preside over the clergy, the bailiff over the nobility, and his lieutenant over the third estate.

Questions numbered thirteen to fifty-three inclusive called for advice upon the proper way to conduct the *elections*. Here again there was substantial agreement on all important points. The minimum age requirement for suffrage and eligibility in all the orders should be

²⁹ *Ibid.*, pp. 269, 290-294.

fixed at about twenty-five. Every born or naturalized Frenchman in holy orders should have the right to vote in his bailiwick as a member of the clergy and should possibly have the right of eligibility; some of the Notables thought that for eligibility the possession of a benefice should be required. Every born or naturalized Frenchman with nobility irrevocably acquired and transmissible should have the right to vote in his bailiwick as a member of the nobility and should possibly have the right of eligibility; some of the Notables thought that for eligibility the possession of a fief should be required. Nobles of recent creation should not be distinguished from the rest. For the benefit of those who had fiefs or benefices scattered about in several bailiwicks, voting by proxy should be allowed to a limited extent.

Every born or naturalized Frenchman who was not a noble or an ecclesiastic should have the right of suffrage and eligibility in his community, provided he was on the tax rolls. Members of the third estate should hold their primary and secondary elections as in 1614 and choose only members of their own order as their representatives. Cities that had the right of direct representation in 1614 should be allowed to retain it, but few, if any, should be added to the list.

In the assembly of the bailiwick each order should elect its deputies by majority vote. There should be no residence requirement for candidates, but if a man should be elected in several bailiwicks he would have to designate the constituency that he would represent. Substitute deputies (*suppléants*) should be chosen to fill all possible vacancies.

The last question was relative to the advisability of regulating the manner of drafting *instructions* for deputies. Almost unanimously the Notables recommended that old usages be followed. Members of the third estate should meet in primary assemblies and elect representatives to secondary assemblies. To these representatives cahiers of grievances should be submitted. At each step in the electoral process the cahiers should be synthesized and reduced in number. The final step should be taken in the assembly of the bailiwick, where the cahiers of the third estate should be reduced to one and where the two privileged orders should each draft a cahier. Thus there would be three cahiers for each bailiwick. On submitting its cahier to its deputy (or deputies), each order could append such instructions as it deemed advisable.

On December 12 the king dismissed the Notables with a formal expression of thanks. To the chill of public disfavor, Nature very ap-

appropriately added snow and ice, making it advisable to hold the sitting, with diminished pomp and ceremony, inside the Château. Though, as we shall see later, the work of the Notables was of considerable utility to the government, their answers to questions five and six only served to increase the violence of the popular controversy.

CHAPTER VIII

FIVE WEEKS OF PAMPHLETS

(November 6–December 12)

While the Notables were in session, pamphlets continued to appear in ever increasing number. The rate on November 14, according to a contemporary observer, was three or four a day;¹ on December 10, according to the Comte de Fersen, the daily grist was ten or a dozen, and he wondered how the printing-presses could turn out so many.²

What were these pamphlets discussing? For the most part they were discussing the burning questions of the hour—double representation for the third estate, deliberation in common, and voting by head; but this hasty generalization fails to do justice to the variety of matter, both historical and polemical, which the pamphlets contain. Nothing but long abstracts and frequent quotations can convey an adequate notion of their contents.

On November 5 the celebrated Volney published, apparently at Rennes, a pamphlet entitled *Des conditions nécessaires à la légalité des états généraux*. He was frequently confronted with the statement, he tells us, that the Estates General should be organized in accordance with the constitution. But what is the constitution? he asks. Where, when, and by whom was it made? Where is the code that contains it? "I open the collections of our laws and I find only old and barbarous ordinances inapplicable to our times, or modern edicts and decrees that contradict and nullify each other. I examine the organization of the body politic and I find the rights of no class, the limits of no authority, clearly defined or positively safeguarded. I run through our history and I see in the life of the nation only trouble, change and eternal variation." It is evident then that the constitution is not to be found anywhere, because it does not exist. "However, I do not pretend to say that we are so destitute of all forms of government that we have no fixed points. It is evident that we are a kingdom and not

¹ *Gazette de Leyde* (1788), No. 94.

² Klinckowström, *Le Comte de Fersen et la cour de France*, I, xlv.

a republic, that the throne is hereditary in a family and not elective at each reign, that the scepter passes to the eldest son and not to cadets, that women are excluded, and a few other points. These usages are well established and should be retained. But what are the powers of the king? There lies the uncertainty. Before the reign of Henry IV the royal powers were quite limited, but during the last three reigns they have become quite despotic. At what period were they constitutional?"

"But supposing," he continues, "that we have a constitution, that our ancestors consented to the establishment of a definite form of government, does it follow that we are obliged to keep this constitution unchanged? Certainly not. It is a principle of the public law of all nations, of the natural law of mankind, that one generation can not bind another. It would be absurd for the dead to bind the living. Without this ability to change an established constitution, the majority of the nations would be condemned to an eternal servitude. Because the inhabitants of Poland and Russia are serfs, can they never cease to be so? What does it matter to us what our fathers have done or how and why they have done it? . . . The essential rights of man, his natural relations to his fellows in a state of society—these are the eternal bases of every form of government; this is the invariable and imprescriptible model applicable to all times and places." From this premise he deduces the conclusion that "it is the most strict obligation of justice that the number of deputies of the third estate be equal to that of the other two orders combined" and that "the decisions should be made by the majority of the individual votes of the deputies and not by the majority of the orders, because the latter method does not represent the universality of the nation."

This pamphlet provoked a reply from the Comte de Serrant of Angers.⁸ The constitution of France, the Comte says, "is written in the hearts of the French; it is to be found in the capitularies of the Frankish kings, in the ordinances of the Louvre, in the formulas of the royal coronations, and in the most respectable documents of history"; and he gives an historical sketch to prove his contention. This constitution, he continues, is good in itself and needs to be left unchanged, but the administrative abuses that have crept in from generation to generation need to be eradicated. Whether the third estate should have as many deputies as the other two orders combined and whether

⁸ *Analyse de la brochure intitulée "Des conditions nécessaires à la légalité des états généraux"* (S.l., 1788. Pp. 23).

CHAPTER VIII

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a republic, that the throne is hereditary in a family and not elective at each reign, that the scepter passes to the eldest son and not to cadets, that women are excluded, and a few other points. These usages are well established and should be retained. But what are the powers of the king? There lies the uncertainty. Before the reign of Henry IV the royal powers were quite limited, but during the last three reigns they have become quite despotic. At what period were they constitutional?"

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⁸ *Analyse de la brochure intitulée "Des conditions nécessaires à la légalité des états généraux"* (S.I., 1788. Pp. 23).

the votes should be counted by order or by head are questions which the Estates General alone can constitutionally decide, and obviously the Estates General would have to meet before the decision could be made. He was quite willing to concede to the third estate the double representation; but he contended that the interest of each order would be better conserved by counting the votes by order, for each order would then have the right to veto all measures deemed detrimental to its interest. The third estate would then have no reason to fear oppression. But "if the votes were counted by head, the casting vote of the president, who would always be an ecclesiastic or a noble, would carry a measure against the unanimous vote of the third estate."

In a pamphlet which bears the date of November 6,⁴ we read in substance: The regeneration of France has been necessitated by the excess of evil and is desired by all good citizens. Thanks to the recall of Necker, confidence has taken the place of fear; concord, of division; good faith, of craft and intrigue; and hope has returned to reanimate all hearts. In response to the confidence reposed in him, Necker has hastened the meeting of the Estates General. "But if the safety of France depends on the Estates General, the success of the Estates General depends on the organization of the first assembly. If this point is overlooked, all will be lost. Far from seeing our shackles fall, we shall see them riveted on us forever. Instead of escaping from despotism, we shall fall back under the yoke, a thousand times more terrible, of feudal aristocracy." To defective organization was due the failure of former Estates General. How many precautions are necessary, then, to avoid similar consequences in the future. If the first assembly is organized as in 1614, the privileged orders will profit by their preponderance to obstruct all wholesome reforms.

Not deeming it possible to assemble and consult the nation in advance upon the best method of organizing the Estates General, he continues, the administration has recalled the Notables and submitted to them the examination of this important question. In 1787 these Notables justly merited the gratitude of their fellow-citizens by the energy and courage with which they combated arbitrary government. Is there any reason to fear that in this second assembly they will be laggard in defense of the people? Surely they will rise above petty passions and personal interests and render an opinion in conformity with the dictates of reason and eternal justice.

⁴ *Lettre à un ami sur l'assemblée des notables* (S.I.n.d. Pp. 23).

"I hear the advocates of the so-called ancient forms protesting," he continues, "that we ought not to consult the needs of the moment or the enlightenment of the century or the dictates of reason but crawl slavishly in the footsteps of preceding centuries, and for model one cites the Estates General of 1614. . . . But let those who consult so scrupulously the ancient forms, in the eyes of whom ancient prejudices have more force than does reason—let those who are so eager to go back into the obscurity of past centuries raise their eyes a little higher. If antiquity is so sacred to them, let them look beyond the whole feudal system and investigate the period of Charlemagne. There they will find our constitution in all its pristine purity. . . . Charlemagne, the only legislator of whom France can be proud, conceived also the plan of regenerating the nation. No doubt he had great obstacles to overcome, but his genius triumphed over them. The first step that he took toward the general restoration was solemnly to forswear arbitrary power and to restore the assembly of the Champ-de-Mars." In order to make this assembly truly representative of the nation, he divided his vast empire into 100 equal parts called counties, and the counties into districts. Each district had an assembly composed of all free proprietors without distinction of rank or birth. Liberty and property were the only qualifications for admission. The district assemblies elected deputies to the county assemblies, and each of the latter sent twelve representatives to the national assembly of the Champ-de-Mars. "These twelve hundred citizens, all equal, all freely elected, expressed the general will which, under the sanction of the chief of the Frankish empire, constituted the law. In those days there were no political orders with interests different from the interest of the nation; no special corporations with pretensions inimical to public liberty; no provinces claiming privileges onerous to the others; no hereditary nobles with distinctions odious and oppressive to other men as free as they. All were equal. All the civil, military and religious distinctions were merged in the great title of citizen. All were bound to the State by the same duties and rights. Free man was the only title of distinction; liberty was man's only dignity; and common utility was the sole purpose and result of these memorable assemblies.

"Such was the basis of the legislation of Charlemagne, and it is upon this basis that he raised the edifice of the public prosperity. This is what we ought to try to imitate. It is to this pure source that we ought to go and not to the infectious slough of feudalism. Would it be presuming too much on the enlightenment of our century to hope that

we might rise to the level of the century of Charlemagne? When we desire ancient and constitutional forms and can happily find them pure and perfect at the head of our annals, why should we search for them under the rubbish of the feudal régime?"

To hear the advocates of the feudal system, he continues, one would think that France has never had any national assemblies prior to the convocation of those which bear the name of Estates General, whereas, on the contrary, the Estates General themselves are only an image, an alteration, of the first free assemblies of the nation. It is only by a misconception worthy of this barbarous century that the body of the nation, which under Charlemagne was everything, has been relegated to the third rank. This scandalous name of third estate should be forever expunged from the annals of a free people.

The feudal system, to which its advocates appeal as to a fundamental law from which there can be no deviation, has in reality been subject to all sorts of changes. "At each meeting of the Estates General," he says, "I see different forms. There have never been two sessions exactly alike. From Philippe-le-Bel to Louis XIII, all have undergone perceptible alterations. Some have been less irregular than others, but all have been defective, and the last has been more so than any of the others. Since these forms have been changed, often to the detriment of the public welfare, is it no longer permissible to touch them? Shall they become the Ark of the Covenant when it is a question of the advantages of the citizens, of the welfare of the people, of the safety of the State? No, no, my friend. Everything today necessitates and imperiously demands that changes be made. But at this moment of general restoration, who can doubt that personal and individual sacrifices will have to be made by all the French, from the king down to the peasant? If our deputies do not come to the Estates General in the spirit of concord and conciliation, if they are not prepared to surrender privileges and prerogatives, if they arrive full of pretensions and ancient prejudices, what is the use of their coming at all? We should then deserve our chains. But we should be in a worse condition than ever before, for we should have to endure at once despotism and anarchy."

These are some of the conditions that ought to influence the decisions of the Notables. Shall we at the end of the eighteenth century resume the trammels of the fourteenth? Shall we continue to relegate the French people to the third rank or shall we restore to it the rights which it holds from Nature and the primitive constitution? If we consult

reason as well as our archives, if we consult the welfare of the people as well as the customs of the feudal régime, the decision will not be left in doubt. It is clear that the time has come to shake off the last of our chains and reconquer our liberty. We shall not deny the nation the right to do this nor the Notables the right to say that it can be done.

In the United States of America, a few months before the meeting of the constitutional convention, Congress caused a project to be printed containing article by article all the points to be decided by the convention. These articles were drafted in clear and precise phraseology and distributed in all the provinces of the United States. The observations of the citizens thereon were then collected and put into systematic form by local assemblies and thence forwarded to the constitutional convention.⁵ This simple and just means of ascertaining the public will and of allowing the nation to enjoy the right which it has of discussing all the questions which interest it has thus been tested by experience and found feasible. In Dauphiné the same thing has been done with the greatest ease and with the most happy results. If the Notables, then, should deem themselves incompetent to pass judgment on the convocation and composition of the Estates General, they will undoubtedly be noble, loyal, and patriotic enough to recommend that the question be submitted to the people for decision.

On November 8 the reconstructed estates of Dauphiné, sitting at Romans, published a *Lettre écrite au roi* which had a wide and unusual influence.⁶ Though drafted by the hand of Mounier, it expressed the sentiments of an entire province—a province, too, which for five months had been regarded with especial deference by the rest of France:

The third estate comprises the majority of your subjects; it pays most of the taxes; it possesses most of the property; upon it weighs especially the burdens of all the orders. How can it be denied the right to name a number of deputies equal to that of the two first orders combined? The clergy and the nobility have identical prerogatives. If equilibrium is maintained between these two orders and the third estate, reason alone will determine the decisions. In the conflict of the various interests, justice will triumph by reason of the fact that questions will be decided by the majority of the suffrages. But this numerical equality would be useless if each order should deliberate apart in the Estates General. Deign, then, Sire, in the interest of the national welfare, to direct that the orders de-

⁵ This is, to say the least, inaccurate. Perhaps the writer had in mind the ratification of the Constitution by the various State legislatures.

⁶ *Lettre écrite au roi par trois ordres de province de Dauphiné* (S.l.n.d. Pp. 16).

liberate together. If you desire to know the will of your subjects, if you desire that patriotic enthusiasm triumph over all obstacles, you will wish without doubt that the three orders be always united and that the votes be counted by head. If the orders, if the provinces, were to deliberate separately, it would be the deliberation of the various corporations, not the expression of the national will through representatives.

These reflections are not the result of a chimerical fear; they are justified by experience. When the Estates General in the past have deliberated in common, they have produced salutary reforms; their zeal in support of the monarchy has had no limits. Often they have tried to prevent evils by wise precautions; never have they spared any efforts to repair evils. In the Estates General assembled at Tours in 1467 and 1483, the three orders remained constantly united. In 1467 they offered to the king, in support of the existing war, their bodies and their goods; they promised to serve against any and all, without exception, even unto death. In 1483 they granted with eagerness the sums necessary for the defense of the kingdom, and took the most important resolutions. But in the last Estates General, assembled at Orléans, Blois and Paris, the three orders deliberated apart. And what was their utility to the kingdom? What was their utility to the monarchy? What especially was the utility of the Estates General of 1614? They produced only silly quarrels, and the third estate was debased. The form observed in 1614 can not be called ancient and constitutional; it had nothing in common with the Estates General of the fourteenth and fifteenth centuries, except that the writs of convocation were addressed to the bailiffs and seneschals. Before the Estates General of Orléans, the orders deliberated most often together. . . . The fatal example set by the Estates General of Orléans was followed by those of Blois and Paris.

The letter closes with the warning that if the form observed in 1614 were observed in 1789, the Estates General would not be able to accomplish anything for the welfare of France and the glory of the monarchy.

The *Observations sur la Lettre des états du Dauphiné au roi* quickly followed. The writer admits that the third estate comprises the vast majority of the king's subjects, pays most of the taxes, and possess most of the property; but these considerations, he contends, do not constitute the proper basis for representation; for, says he, if wealth, numerical strength, and financial contributions are alone to be considered, the third estate would be entitled, not to half, but to nineteen twentieths of the deputies. "The only way to establish equality among the three orders, whose rights and interests are almost always opposed, is to give to each order an equality of votes, so that, all having the same influence in the deliberations, truth and justice will be the only rule of their decisions. If the Estates General had to deal only with the

interests common to the three orders; if, for example, the Estates General had to deal only with questions concerning the taxes to which all the citizens are subject without distinction, then it would be just perhaps to give to the third estate a number of deputies commensurate with its wealth and numerical strength; but almost always the deliberations turn upon taxes to which the third estate alone is subject—taxes from which the clergy and the nobility are exempt by reason of their privileges, or upon grievances and abuses of which only one of the orders has reason to complain. . . . The new composition of the Estates General, as proposed by the estates of Dauphiné, would result in the total subversion of the French constitution through the suppression of the distinctions and prerogatives which, up to the present, have separated the noble from the commoner." Representation in the Estates General is determined, not by the rights of individuals, but by the rights of the orders to which the individuals belong. The three orders must be left free to deliberate together or apart according to the dictates of their respective interests. In no case can one order be bound by the decision of the other two.

In another response, entitled *Première lettre d'un citoyen aux trois ordres de Dauphiné*, the author begins with an historical sketch to prove that the division of the nation into three orders was as ancient as the monarchy itself, and then goes on to attribute the demands of the third estate for double representation and deliberation by head to the machinations of the ministers, who found it to their interest to prevent the three orders from acting in concert against arbitrary government. "We already see," he says, "a part of the evil effects of this policy. Everything around us is changed. Patriotism, ardor for liberty, and hatred of servitude, which used to make of the three orders only one body animated by the same spirit, the same desire and the same purpose, no longer exist. No longer is war being waged against the arbitrary authority of the ministers, but among citizens. Each citizen in his delirium fails to recognize that the interests of his brothers are his own and implores against their pretensions the aid of arbitrary authority, from which he has everything to fear." Remain united, the author then implores; the enemy is ministerial despotism.

The suffrage clauses in the new constitution of Dauphiné proved, he said, that the leaders of the third estate were not sincere in their demands for an assembly truly representative of the nation. "You have laid great emphasis on the numerical strength of the third estate and the mass of its wealth; you have insisted that, to render it justice, it

must have a representation in the Estates General commensurate with its importance. Yet, by the article of your constitution which define the qualifications for suffrage and eligibility, you have laid down conditions which exclude precisely that numerous class of citizens whose rights have served as a pretext for your demands. You have disqualified all the farmers on the estates of the clergy and nobility and a great number of citizen proprietors. Thus your constitution, if taken as the model for that of the Estates General of France, will disqualify forty-nine fiftieths of the French nation and concentrate the administration exclusively in the hands of a small number of men who know less about the lower classes than do the most distinguished members of the clergy and nobility." You are not, then, voicing the sentiment of the third estate as a whole, but only that of the bourgeoisie, when you demand the double representation and the vote by head.

Early in November, before the attitude of the Notables was known at Nîmes, Rabaut Saint-Etienne struck off in haste a *Second avis important à la nation*,⁷ the avowed purpose of which was to provoke discussion. In former Estates General, he said, there was no method in the deliberations.

The assemblies were confused and tumultuous; the votes were counted by order, by bailiwick or by *gouvernement*, and the privileged orders always had the advantage. The ministers were interested only in obtaining promptly the taxes which they needed. They were assured in advance of the consent of the two first orders because the exemptions and privileges of the latter were constantly maintained by the Court. Opposed by this majority, the resistance of the third estate would have been vain, and it alone was condemned to support the burden of taxation. Satisfied with what they had obtained, the ministers eluded all the demands and all the representations made to them; they lavished upon the deputies the most magnificent promises and hastened to send them home. But this culpable conduct altered in nowise the rights and powers of the Estates General.

If the form of our government has been vicious since the beginning of the monarchy; if the composition, the holding and the deliberations of the Estates General have been irregular, does it follow that, in the most enlightened century that ever was, we should go back to the times when France and all Europe were covered in darkness, and adopt usages that are defective and contrary to reason? Let us admit frankly that our fathers were deceived and that, blinded by ancient prejudices, they never knew their own rights or the limits of the royal authority. Let us admit

⁷ For full title, see Bibliography.

that this kingdom has never had and still does not have a constitution; that the form of its government has never ceased to vary with the caprice of kings and their ministers; that half-reform and palliatives have only aggravated the evils and perpetuated the abuses; that reform should be complete and entire, and that it should affect all parts of the administration; but that these great changes can be made only by the Estates General properly composed.

In the Estates General of 1614, Rabault continued, the clergy had only 114 deputies; the nobility, 130; the third estate, 188. The 274 deputies of the privileged orders, having the same interests, always combined to outvote the third estate. "If such is to be the form of the next Estates General, far from being useful to France, they will be the most terrible scourge that the country has ever suffered."

Representation, he thought, should be based on both population and wealth. Now there were in France, he estimated, 75,000 individuals belonging to the clergy, 200,000 to the nobility, and 23,700,000 to the third estate. The estimated income from the landed property was 800,000,000 livres. Of this amount, 200,000,000 livres went to the nobles, something over 110,000,000 livres to the clergy, and the rest to the third estate. Moreover, the third estate owned nearly all the products manufactured in France, nearly all the colonial products, and nearly all of that prodigious quantity of merchandise of various sorts scattered about in the ports and warehouses of the kingdom. Taking all these things into consideration, he thought that in the next Estates General the clergy should have 100 deputies, the nobility 200, and the third estate 500. But in the Estates General thus composed, the influence of the third estate, if the votes were counted by head, would be as fatal to the privileged orders as in former times the influence of the privileged orders had been fatal to the third estate. To make the balance even, he proposed that the next Estates General be divided into two chambers sitting apart—an upper chamber composed of the deputies of the clergy and nobility and a lower chamber composed of the deputies of the third estate. A bill would have to be adopted by both chambers before it could become law. The upper chamber, moreover, might serve as a supreme court for the trial of ministers and other officials accused by the lower chamber of malfeasance in office. "We have under our eyes," he said, "the example of a neighboring nation, commendable for its wisdom and the excellence of its laws. We know that this nation is indebted for these laws and its prosperity to

its constitution, which is founded upon the balance of the triple legislative power. We see this same constitution adopted, after eighteen months of examination, by thirteen States inhabited by the best-informed people in the universe."

After the attitude of the Notables had become generally known, Rabaut returned to the charge with *Le tiers état éclairé*. In this pamphlet he tells us that at the beginning of the monarchy, when the Franks raised Pharamond upon their shields, there was no distinction of orders. Even in the days of Clovis the clergy was just coming into existence. The nobility began to appear only at the end of the second dynasty, with the institution of the fiefs. But even under the second dynasty the Franks were still equal among themselves and had to be consulted upon all questions touching the national welfare. In the Champs-de-Mars and the Champs-de-Mai, it was the body of the nation that had the deciding voice, because it was more numerous than those who were at its head. The Estates General succeeded to the Champs-de-Mai. As the body of the nation had the majority in the Champs-de-Mai, so it should have the majority in the Estates General. This would not be introducing a new usage but only reviving an old one.

Since 1302, to be sure, the clergy and the nobility had dominated the Estates General, but not by constitutional right; their domination was an abuse. "Under the first two dynasties," Rabaut says, "the people had the preponderance in the national assemblies, and the people has always seconded the views of our monarchs, whereas the privileged orders have always done just the opposite. The people is the third estate and represents the first Franks, our ancestors. Then the deputies of the people ought to be more numerous than the deputies of the clergy and nobility combined." The third estate, he said, would never consent to any other arrangement. "Too long already it has been the puppet of the two privileged orders; it must take the place which it should have always occupied."

On November 8, Roederer, advocate at the Parlement of Metz, published a well-written pamphlet entitled *De la députation aux états généraux*. He proposed, he said, to answer the three following questions: On what principles should an exact representation of the nation be based? How should the election of the deputies be conducted? How could the form, whatever it might be, for the convocation of the next Estates General be made legitimate?

In answer to the first question, he developed the contract theory of society and thence deduced the necessity of a legislative power in which each member of the State should concur. The exercise of the legislative power necessitated the existence of national assemblies; but all the members of a great State could not be present at a national assembly. Hence the necessity of representation. In France the organization and composition of the Estates General had always been defective. Hence the necessity of an assembly that would truly represent the national will. "It is a tradition in France," he says, "that each of the two first orders should have as much power as the third estate. But the nobility is to the rest of the nation as 1 to 50 and the clergy as 1 to 121. There is then a great inequality of power between the individuals who compose the two first orders and those who compose the third. It is evident that this disproportion is contrary to the nature of things and incompatible with a well-regulated society. We can not too often repeat that when the majority ceases to exercise the legislative power there is no longer any society; there is only arbitrary power and oppression on one side and obedience and servitude on the other." Hence the conclusion that the clergy and the nobility as political orders should be abolished and that every man above the age of twenty-four in France, with the exception of domestics and soldiers, whose wills are not free, should be given the right to vote for deputies to the national assembly.

In answer to the second question, Roederer opined that 800 would be about the proper number of deputies for the next Estates General. Since France had 24,000,000 inhabitants, there would then be one deputy for every 30,000 inhabitants. The old provinces should have 680 deputies or 175 more than at the Estates General of 1588 and 226 more than in 1614. The provinces annexed since 1614 should have 116. But out of 30,000 inhabitants, only about 6,000 could qualify as voters. So there would be one deputy for every 6,000 voters. An electoral district containing 6,000 voters would be too large for convenience. So there should be two steps in the electoral process. The parish would form a convenient district for the primary elections; but, as the parishes were not all equal in population and wealth, some method of grouping the parishes would have to be devised. Forty-two parochial electors would be sufficient to represent 6,000 voters. This being so, a province might be divided into districts each containing forty-two parishes. At the center of each of these districts a

secondary assembly would meet, composed of the parochial electors, and elect the deputies to the Estates General in the ratio of one deputy for every forty-two parochial electors.

"We have seen," he says in answer to the third question, "that all the affairs of a State can be regulated by representatives, but that the body of citizens alone can decide how the nation is to be represented. In every State where no rule upon this matter has ever been established by the nation itself, it is necessary that the nation itself be consulted. . . . Thus the question of knowing whether the nation still wishes to be divided into two or three orders or to be united in one is a question which the majority alone can decide, and it is the same with other questions. When there is a regulation established by the nation, it ought to be followed until the body of citizens wishes to change it, which they are free to do by simply charging their deputies to the Estates General with a special mandate to this effect." But France, he contended, had never had any national regulation in regard to the convocation and composition of the Estates General. So the ministers should begin by consulting the nation. Such a referendum, in his opinion, would not be difficult to carry out. A series of questions might be drafted and sent to all the parishes with orders that each qualified voter mark "yes" or "no" after each question. These votes could then be counted by the ministry at Paris and the results proclaimed as the will of the nation. "This method," he says, "is sure, simple, expeditious, and exempt from danger." Moreover, it was the only legitimate method. The Assembly of Notables had no authority to decide anything and was only delaying the much-desired meeting of the Estates General.

Provoked by the decree of October 5, a group of Breton nobles met at Rennes on October 25 and drafted a series of constitutional principles to which they proposed to adhere: "That it is of the essence of the Estates General to be composed of three distinct orders, voting separately and each having an equal influence in the deliberations common to the three estates; that the interests of each order are sufficiently safeguarded by the veto which the constitution grants to each of them in the deliberations concerning taxes and new laws; that the parity of influence among the orders is the basis of their union; that the three orders should never consent to the destruction of this parity of influence; that all innovations, by opening the door to arbitrary government, would tend only to give rise to trouble and anarchy; that the form adopted in 1614 for the elections should be re-

tained as being consecrated by this very adoption; that the Estates General alone have the right to change it." ⁸

This statement of principles was printed in pamphlet form on November 3 and distributed throughout the province. It provoked a reply from Jean Denis Lanjuinais, professor of law at Rennes, in the form of a pamphlet entitled *Réflexions patriotiques*. The spirit of the Breton nobility, says Lanjuinais, has now been revealed. They propose to hold two million men in Brittany enslaved to two thousand nobles; they propose to sacrifice twenty-three million men in the kingdom of France to a few thousand individuals. "Negro slaves," he apostrophizes, "you are reduced almost to the condition of brutes; but no innovations. Children of Asiatic kings, the custom is that the strongest or the shrewdest of you strangle his brothers; but no innovations. Cannibals of Africa, you have butcheries of human flesh; but no innovations. Breton people, you are badly off and your nobles are well off; but no innovations." The form adopted in 1614! "Here indeed is a model; here is a law; here is a fact, a unique fact and already very ancient; here is a public law which it would be criminal to wish to change. But how has 1614 nullified 1588? How has 1588 nullified 1576? How did the previous assemblies abrogate the form of the Champs-de-Mars and the Champs-de-Mai? Would the form of 1614 fit us any better than the garment of a child would fit a man in the prime of life? Were all the precautions taken in 1614 to make the representation of the people just and complete? Not at all." There has not been a national assembly since the accession of Hugh Capet that has properly represented the nation. So there is no legal or constitutional way to convoke the Estates General. The only thing for us to do, then, is to consult the law of Nature and the habits and genius of the French people.

In another pamphlet Lanjuinais wrote: ⁹ "If the Notables refuse the third estate a representation perfectly equal to that of the two first orders combined, if the government does not dare abolish the abuse of deliberation by separate orders, an abuse which the veto can not remedy, the deputies of the third estate from the different provinces will doubtless have enough good sense and nerve to refuse to deliberate in any manner until the two first orders have done justice to this most numerous class of the nation."

After the promulgation of the decrees of May 8, the Comte de Ker-

⁸ *Arrêté* (S.l.n.d. Pp. 4).

⁹ *Le préservatif contre l'"Avis à mes compatriotes," avec des observations sur l'affaire présente, par un membre des états du Dauphiné* (S.l.n.d. Pp. 25).

saint, a Breton gentleman of liberal proclivities, began the composition of a pamphlet entitled *Le bon sens*. He continued to write during June and July and finished most of the work before the recall of Necker, but publication was delayed by the printer until November, and Kersaint continued to make additions while the pamphlet was in the press. Notwithstanding the arrangement and obsolescence of some of the material, it proved to be popular and went through at least two editions in 1788.

Kersaint begins by extolling the reign of Charlemagne in the customary manner and denouncing feudalism as the cause of the disappearance of the old constitution. But soon he discards history for natural law, remarking that "history resembles those arsenals where one finds both offensive and defensive weapons with equal facility." In the light of natural law, he says, the division of the next Estates General into three orders would be "a frightful absurdity." He thought the composition of the provincial assemblies was in accordance with the dictates of reason and justice, but he would improve on this by dividing the Estates General into two chambers. The upper chamber should be composed of the peers of France, twenty bishops and archbishops, two principal magistrates from each provincial parlement and six from the Parlement of Paris, four councilors of state, the marshals of France, and the vice-admirals. The lower chamber should be composed of deputies elected from the class of proprietors, and there should be three deputies in the lower chamber to every two in the upper. To have the right to vote for deputies, an elector should have real estate to the value at least of 100,000 livres or an income equivalent to the value of the natural products of such an estate. This property qualification, he thought, would enfranchise about 15,000,000 Frenchmen and leave about 10,000,000 unenfranchised. He justified this property qualification on the ground that it would ensure an intelligent electorate. To prevent usurpation of power, neither chamber should assemble without the other, and no taxes should be granted without the approval of both chambers. This bicameral system would have a double advantage: it would be a compromise measure which the privileged orders might be willing to accept and, if adopted, it would be the means of preventing hasty and ill-considered legislation. In England, he said, the system had long been in use and had been eminently successful.

About December 1 the Comte Alexandre de Lameth replied to Ker-

saint's pamphlet in a published *Lettre*.¹⁰ After complimenting the author on the first section of the work, Lameth went on to say :

But it would be difficult to approve the system of the two chambers. The upper chamber has part of the inconvenience imputed, with so much reason, to the House of Lords in England. Why, after having pointed out the obstacles which the nobility, in certain circumstances, offers to the equilibrium of a good constitution, do you reserve to a part of this nobility, the part most closely attached to the throne, the right to form an upper chamber? Why compose the upper chamber of archbishops, bishops, magistrates, councilors of state, vice-admirals, and marshals of France, all of whom owe their existence to the king? To hold out hope of being able to corrupt is often to inspire the desire to do so. Besides, employments, charges, military appointments—can these be reasons for obtaining the honorable function which confidence can alone bestow? As to the lower chamber, it seems to me that, in the plan which you propose, this chamber would entail such great changes that they ought not to be made in a day but should be made to arrive progressively. In imitation of the English House of Commons, you allow a part of the nobility to enter the lower chamber; but has the nobility the same interest as the third estate? Is it not to be feared that these nobles would share the sentiments of the upper chamber? It seems to me, Monsieur, that you are a little too enthusiastic over the English constitution. But, you say, is it forbidden to imitate a good government? No, certainly not. A good government might serve as a model. But the English government, though the best that exists and perhaps the best that has ever existed, is still far from being the best possible. It is well recognized that a vice of the English constitution is the existence of an upper chamber composed of men who are born representatives of a part of the nation and who are not called by its confidence. This government lost some of its life-giving energy (*ressort*) when the members of the House of Commons, who were at first elected for only three years, were elected for seven. If they were elected for life, like the peers, there would no longer be a constitution in England.

The third estate, Lameth went on to say, was twenty-three times as numerous as the other two orders combined and possessed three fifths of the property of the kingdom. If the Notables, who were still in session, should refuse to grant the third estate as many deputies as the other two combined, he feared for the results. "It is necessary to fear," he said, "that the third estate, enlightened by its interests, sure of its rights, confident of its power, will destroy not only the tyranny of the privileged orders but also the distinctions, the prerogatives, the precedences, the honorific rights—all those elements of a good constitu-

¹⁰ *Lettre à M. le comte de***, auteur d'un ouvrage intitulé "Le bon sens" (S.l.n.d. Pp. 22).*

tion, those weights which ought to furnish the equilibrium of the government."

At Paris, on November 19, the Comte de Lauraguais published a *Lettre* in criticism of Target's pamphlet entitled *Les états généraux convoqués par Louis XVI*,¹¹ and incidentally in criticism of the pamphlets of Delacroix and Lacretelle. These writers, said the Comte, persist in regarding the Estates General as a deliberative body to which the nation has delegated its sovereignty, whereas in fact the deputies to the Estates General are only "mandate-bearers" of the sovereign electors. The nation can not delegate its sovereignty. This being so, the demand of the third estate for a number of deputies sufficient to balance the influence of the other two orders has no meaning. The sovereign will of the nation is expressed only in the cahiers drafted by the electoral assemblies. Since the third estate has incomparably more electors in each electoral assembly than do the other two orders combined, it will naturally have the preponderance of influence in the drafting of the cahiers and will incorporate in them as many as possible of its demands. Whether the three orders were to deliberate together or apart in the electoral assemblies was not made clear by the Comte; but there was to be only one cahier for each electoral district.

In another pamphlet entitled *Résumé proposé aux Notables*, the Comte made his ideas clearer. After the cahier of each electoral district had been drafted, deputies (it mattered not how many or to what orders they belonged) would be elected to carry the cahier to the Estates General. There the cahiers would all be examined and the will of the nation thereby determined, without deliberation and without the expression of individual opinion. If the king should make new demands or propositions to which the cahiers contained no answers, the deputies would refer such demands or propositions to the electors and ask for new mandates. But whether the three orders were to sit together or apart in the Estates General was not made clear. As there were no votes to be counted, this question was really unimportant.

Already, on hearing the current rumor that the Notables were likely to advise the king to follow old customs, Target had hastily written and published a *Suite* of his earlier pamphlet,¹² copies of which were distributed among the Notables. "The king," writes Target, "has

¹¹ *Lettre sur "Les états généraux convoqués par Louis XVI" et composés par M. Target; par le Comte de Lauraguais* (S.l., 1788, Pp. 42).

¹² *Suite de l'écrit intitulé "Les états généraux convoqués par Louis XVI" (S.l., 1788, Pp. 41).*

recommended the destiny of the nation to the Assembly of Notables; he interrogates them upon public opinion. Is it true that we are in danger of seeing our imprescriptible right to a just representation contested?" He could not bring himself to believe it. "No; we have nothing to fear. If the king had been able to interrogate the nation before the nation assembled, he would not have convoked the Notables. They ought to be, and they are, only the organs and channels of public opinion. The conferences of the bureaux have resulted in nothing yet. The Notables have expressed only preliminary opinions. Definitive opinions will be expressed only in the general committee of bureaux. If error has slipped into this kind of preliminary conversations, it is only necessary to point out the error to get it corrected. A man can change his opinion, and he will do so if he is disabused.

"Rumor has it that the prevailing opinion of the Notables is that 400,000 ecclesiastics and 500,000 nobles ought to have in the Estates General twice as many deputies as the nation of 23,000,000 individuals. To excuse this frightful disproportion, they say: *It is the ancient form.* I say it is not the ancient form, but the violation of this form. I say that in 1356, out of 800 deputies, the third estate had 400; that in 1483 it had 118 as against 86 and 88; that in 1576 it had 150 as against 104 and 72; that in 1588 it had 192 as against 134 and 180; that in 1614 it had 185 as against 144 and 128. This does not offer a rule of proportion, but always the deputation of the third estate has surpassed that of each of the privileged orders."

In making their decisions, Target continues, the Notables should be guided by the dictates of reason and public opinion. Now the latter was overwhelmingly in favor of giving to the third estate at least as many deputies as to the other two orders combined. Since 1779 the third estate had had half the deputies in the provincial assemblies of Haute-Guienne and Berri. In the recently formed provincial assemblies the same had been the case. In the estates of Languedoc there were twenty-three bishops, twenty-three barons, and forty-six deputies of the third estate. The third estate of Brittany was demanding a representation in the estates of that province at least equal to that of the privileged orders combined. In Gévaudan the third estate was demanding three deputies out of five. "The three orders of Dauphiné have just written an admirable letter to the king, signed by the Archbishop of Vienne, in which they demand in favor of the nation precisely the same rights that we are demanding in this pamphlet. The greatest ideas of justice and public order, suddenly descending from the mountains, are at present

spreading throughout all France and are becoming the model for all the demands made by the provinces. Do not the same requests come from Provence, the Vivarais, Auvergne, Nîmes, Guienne and Normandy? . . . There is no doubt about it. Here is that public opinion which the king wishes to know and in regard to which he is consulting the Notables and of which they are the witnesses."

"Give two votes to the privileged class and only one to the nation," Target pointed out, "and deliberation in common and voting by head will become physically impossible; and since we should be constrained to deliberate by order, it would be necessary either to leave to two orders the right to crush the third, which is absurd, or to give to each a power of invincible opposition, which is still more absurd, because it would paralyze the national assembly at the very moment when the most free activity is absolutely necessary to it."

In conclusion Target says: "Two dangerous enemies menace the liberty and welfare of nations, namely, ministerial despotism and privileged aristocracy. A good constitution is one that restrains and checks them both with equal force. The king and the people have the same interest in preventing aristocracy; but, on the other hand, the privileged classes and the people have the same interest in preventing ministerial despotism. If you increase the influence of the privileged classes at the expense of the influence of the people, aristocracy will not be sufficiently held in check. If you raise the influence of the people above that of the privileged classes, you run the risk of disturbing the distinctions that are necessary in a monarchical State. But if you give to the privileged classes and to the people the same influence, they will mutually balance each other and leave nothing to be feared from either aristocracy or democracy. Bound together by a common interest, all their vigilance will be directed toward safeguarding the nation from acts of arbitrary authority. . . . It seems impossible that these truths should fail to make a deep impression upon the noble Assembly of Notables."

"In the composition of the next Estates General," an anonymous writer tells us,¹⁸ "it would be just to divide the deputies of the third estate into two classes: two thirds of them should be deputies domiciled in the cities; the other third, deputies chosen from the classes of agricultural proprietors domiciled in the boroughs, villages and country districts. The reason for this is obvious. The agricultural part of the

¹⁸ *Observations et résultats sur la progression du déficit dans les finances* . . . (Neuchâtel et Paris, 1788, Pp. 41).

third estate is very numerous, and it pays much of the taxes. Consequently it is very much interested in the public administration, and it ought to have its representatives in the Estates General the same as the bondholders, merchants and industrialists. . . . Even assuming that the clergy and nobility will pay their proportional share of taxation, the contributions of the third estate, by reason of commerce and the arts, will still be more than double the contributions of the other two orders. So the clergy and the nobility combined should not complain if they are given only two thirds as many deputies as the third estate. To these considerations another very important one may be added: Among the deputies of the two first orders will be princes and peers serving as ministers and agents of the king and having in consequence a great influence in the Estates General. The third estate, then, can never balance the two first orders unless it has three fifths of the deputies."

Another anonymous writer ¹⁴ has this to say:

Old usages ought to be respected and retained when they conform to reason and equity, when they have been followed constantly and without interruption, when they have become familiar to the people, and when it is more inconvenient to change them than to let them subsist; but when they have been suspended for nearly two centuries, when they have faded from the memory of man, when they have been, so to speak, abrogated by time, and when reflection and experience have demonstrated their vices and dangers, they ought to be reformed. Such has been the case with the forms anciently observed for the convocation and composition of the Estates General. These forms, far from being constitutional, have never had that character. When they were adopted by the privileged orders, they were not legally adopted by the third estate, because the latter has never been sufficiently represented in any of the Estates General; its deputies have been too few and too dependent on their superiors; their consent, if indeed it was ever given, was forced and therefore null and void. Besides, we see by all the records pertaining to the Estates General that these forms have varied as often as there have been convocations, except perhaps in one particular: the writs of convocation have always been addressed to the bailiffs.

Further on, the same writer continues:

Yet the third estate knows also that equality among men is a chimera which has never existed even in republics. It is convinced that in a great empire gradations of society are necessary. It desires therefore that all the distinctions, all the honorific privileges, be retained by the clergy and the nobility who for so long have been the ornament of this kingdom. It will

¹⁴ *Réclamations du tiers état et supplique au roi* (S.I., novembre 1788. Pp. 18).

always remember with gratitude that they have contributed by their firmness and courage to the overthrow of an odious system of government which was about to destroy the liberties of an entire nation.¹⁸ but it demands the establishment of a constitution founded on justice and reason. . . . It demands that its rights be assured in the most authentic manner, and these rights can be assured only when it is sufficiently represented in the Estates General.

He continues :

If the three orders are united in one assembly, although the deputies of the privileged orders are *no more numerous than those of the third estate*, there will never be any balance among them. The absence of a single member will suffice to upset the equilibrium. . . . But the common interest of the privileged orders naturally unites them. Let them form therefore a single chamber and the third estate another. This division seems indispensable. The views, the prejudices, the pretensions, the interests of the two first orders are so essentially different from those of the third estate that the three orders can never deliberate freely together. . . . England and the United States of America, whose governments ought to serve as models for all the nations of the world, invite us to follow their example. If this division into two chambers is adopted, the number of deputies for each order, provided the number is sufficiently large, becomes a matter of indifference.

It is not necessary, another writer¹⁹ tells us, to know how the Estates General of 1614 were convoked, nor those of 1356, nor those of any other year. It is not necessary to know what Philippe-le-Bel did, nor what the Dauphin Charles did, nor what Francis II did, nor what Henry III did, nor what Louis XIII did. It is only necessary to know what Louis XVI ought to do under the existing circumstances. "Can the clergy and the nobility," he asks, "be regarded, and can they regard themselves, as forming almost the entire nation or at least two thirds of the body politic, while the people, which constitutes and has always constituted the nation, would be only an accessory part? Does not such an idea imply a contradiction? One can well conceive of a nation without a nobility; Switzerland and the United States of America furnish existing proof of this. One can well conceive of a nation without a clergy forming an order separate and distinct from the people; the nations just cited as well as Holland and many German states confirm the reality of this. But one can not conceive of a nation composed only of clergy

¹⁸ The reference here is, evidently, to the successful opposition to the decrees of May 8.

¹⁹ *Aperçu rapide et impartial d'un gentilhomme sur la grande question qui agite les esprits français* . . . (S.l.n.d. Pp. 29).

and nobility. No example, either in antiquity or in modern times, can establish the possibility of this. It is necessary, then, to conclude that the people has always formed the fundamental basis of nations and that it constitutes in France the substance, the strength, the mass, and the solidity of the political edifice of which the other orders, however brilliant their titles, are only the ornaments and decorations. The French people, then, by reason of its importance and its weight in the national balance, ought to have the preponderance in the Estates General. If it is willing to limit its demands to the establishment of a perfect equilibrium between itself and the other two orders, should one not recognize the moderation of its demands and the extent of its sacrifices?"

"Is it not extraordinary," the same writer asks in another place, "that these same Notables, who in 1787 voted unanimously for the composition of the provincial assemblies on the basis of equality between the privileged and non-privileged orders, should retract their opinions and reject the same composition when applied to the general assembly of the nation?" In his opinion, the Estates General should be composed of 1,000 deputies: 250 for the clergy, 250 for the nobility, and 500 for the third estate. But what would be the value of this ratio if the votes were to be counted by order, when 302 deputies might carry a measure over the protest of 698? Each order might use the veto, to be sure, and block the passage of any measure deemed detrimental to its interest. "But when everything is to be done," he observes, "the right of veto becomes a death warrant." If the right of veto should be retained, 131 deputies could and probably would block all measures of reform. What the third estate desired was not so much protection as action and accomplishment, and the Estates General would not accomplish much if the right of veto were retained.

Wrote a "gentleman" of Languedoc to his fellow-citizens,¹⁷

The Assembly of Notables is only a momentary extension of the king's council. It can legally enact nothing contrary to the rights of the people and the constitution of the State. If, from the combination of its wisdom and zeal with the pure intentions of the king, there results a form of convocation of the Estates General fitted to conciliate, in a just and wise manner, the legitimate and respective rights of the various orders of citizens, we ought to adopt it and bless these illustrious and beneficent personages, who will then become more commendable by reason of their equity and prudence than by reason of their rank. If, on the contrary, deluded by the prerogatives which many of them enjoy—prerogatives which, for the

¹⁷ *Avis à propos donné aux languedociens par un gentilhomme* (S.l.n.d. Pp. 16).

most part, are antiquated, pernicious, detrimental to the welfare of the State, foreign to the glory of the monarch and to the prosperity of all his subjects, they forget what they owe to their fellow-citizens and to the confidence of the king and propose an illusory, incomplete and dangerous form of convocation, it is beyond doubt that we can not better respond to the paternal intentions of his majesty than by proposing, province by province, another form of convocation which, in the opinion of each province, would tend to bring before the king, in a more certain, positive and equitable manner, the wishes and the sacrifices of his subjects. Let us then be very attentive, generous citizens, to the form of convocation that may be proposed. If we perceive in it dangers to the rights of any of the orders, let us have nothing to do with it. Let us not give ourselves a "ple-nary court" instead of the promised Estates General truly representative of the nation. On the arrival of the decree of convocation (supposing always that it will be dangerous), let us form, in each province, in each diocese, in each seneschalcy and in each district, assemblies of all the orders of citizens; let us there adopt resolutions demanding forms more wisely devised and protesting against every unfree and incomplete election, against every dangerous form of deputation that would end by intrusting our dearest interests to those who might find it convenient to betray us. Let us gradually bring our demands, alarms and protests together and address them to all the persons in authority who might turn them to the best account—to the king especially, a beneficent sovereign, who wishes to restore the nation, who wishes to draw the nation from the abyss into which it is about to descend with precipitation, who wishes to know the nation's desires and needs in order to respond to the former and remedy the latter.

He continues :

As to the number of deputies for each order, let us adopt the wise proportion already adopted by the province of Dauphiné: one for the clergy, two for the nobility, and three for the third estate. . . . Let us not forget what the third estate is. It forms much the greater part of the nation; it is the nation. Without it the two privileged orders could not exist, whereas it could exist quite well without them. Let us observe that the third estate bears all the burdens of a great society without enjoying the comforts. On all sides it is debarred from distinctions and favors; these are most often the fruit of base and obscure intrigues at Court, sometimes combined with the sterile advantage of a birth drawn from obscurity or uncertainty by the fortuitous possession of a few parchments which are often suspect, often usurped and often forged. Remember, fellow-citizens, that at this moment it is not a question of petty interests but of everything that a man holds most dear—his property, his laws and his liberty. We owe it to ourselves and to the generations that shall come after us to attack our problems with wisdom and courage. Europe is looking at us with curiosity, jealousy and admiration. Let us render ourselves worthy of its regards; let us merit the benedictions of posterity. It is necessary to come

to the relief of the State; it is necessary to pay off the incalculable deficit; it is necessary to give France a constitution. . . . But to attain these ends, it is absolutely necessary that a just equilibrium be preserved in the representation of the various orders of citizens at the Estates General. The privileged orders must not have a dangerous preponderance; they must not be allowed to shift upon the heads of the plebeians, already bent under so much misery, misfortune, oppression and contempt, the new burdens which may have to be assumed. The plebeians, with all their zeal, can bear no more. . . .

Is the clergy in particular, and the higher clergy especially, justified in demanding a third of the votes in the national assembly? Does it form a third of the population of the State? Does it cultivate? Does it populate? Does it pour out its treasures in proportion to the influence which it wishes to obtain? Does it shed its blood for the safety and glory of the State which it wishes to dominate? Does it offer an example of justice, moderation and disinterestedness? Has this body, so jealous of its privileges, the well-established right to sit in the Estates General and vote for the levy of taxes upon our properties, when its own are inaccessible to taxation by virtue of prerogatives usurped in times of ignorance and superstition? . . .

It is necessary that in the Estates General the votes be counted by head and not by order. Otherwise, an opinion adopted by a very small majority in two orders and completely rejected by the third would prevail, nevertheless, over the very great majority of the assembly taken as a whole, which is absurd and singularly dangerous. The third estate ought to protest and separate itself from the other two orders rather than consent to counting the votes by head.

Why should the clergy have special representatives? asks another writer? ¹⁸ It is as if the body of cultivators, merchants, magistrates, or soldiers each should wish to have special representatives. The clergy is even less justified, for it is supposed to have renounced temporal affairs and to be occupied only with spiritual ones. If the nobility persists in wishing to have special representatives, let it form an upper chamber like the House of Lords in England. Then the third estate would form the House of Commons.

In a *Note essentielle à l'usage de MM. les notables*, published about the middle of November, a writer points out that the third estate performs all the work of agriculture, of the arts and trades, and of industry; that it makes the discoveries in science, paints the pictures, and interprets the law; that it furnishes all the soldiers for the rank and file of the armies and pays nearly all the taxes; that it is the nation itself or almost the entire nation. The third estate, then, by reason of its numerical strength and importance, should have the preponderance in

¹⁸ *Des états généraux de France* (S.l.n.d. Pp. 16).

the Estates General. The clergy, he continues, enjoys the use of about one fifth of the productive soil of the kingdom—enjoys, for this soil does not belong to the clergy but to the nation. The nobility holds a third of the soil as patrimonial property. The third estate holds the rest, that is to say, two thirds of the soil of France, for the clergy owns none. Even of the landed property held by the nobles, half should be attributed to the third estate by reason of the fact that the third estate is charged with the cultivation of it. Thus, if representation is to be based on landed property, the third estate should have five sixths of the total number of deputies. All things considered, however, the clergy might have a tenth of the deputies, the nobility a sixth, and the third estate the rest.

Another pamphleteer addresses the Notables as follows:¹⁹ "The study of old documents is long, difficult, uncertain and often misleading. Is it not shorter to consult reason, simpler to follow justice, and surer to interrogate one's conscience? And would it not be foolish to prefer the help of one's memory to the exercise of one's judgment?" You were not summoned to study history simply and to make a report thereon. If you decide in favor of the form observed in 1614, you are in honor bound to explain why that form is preferable. Remember that the third estate is not represented in your assembly. If you fail to take proper care of its interests, it can protest; it can even decline to appear at the Estates General where it would not be properly represented. Does not prudence counsel you to prevent disorders by granting what the third estate demands?

"The argument has been advanced," the same writer continues, "that, if the votes are counted by order, the number of deputies assigned to the third estate will be a matter of indifference. That is not so. Looking at the question only from the point of view of quantity, you will recognize that a rather large number is more imposing; and, looking at it from the point of view of quality, you will admit that, when you double the number of deputies for the third estate, you double its wisdom and intelligence and its chances of finding reasons to convince, or sentiments to win over, the other two orders. Moreover, by doubling the representation of the third estate, you will diminish the influence of the magistracy, because to men chosen from the magistracy and its dependents will necessarily be added men of another class. Besides, public opinion is too strong to permit deliberation by order. The form ob-

¹⁹ *Très humbles supplications aux notables patriotes* (S.I.n.d. Pp. 7).

served in 1614, you say, is not contrary to equity because unanimity of the three orders is necessary for the granting of taxes; but this unanimity itself is not without danger, for, if one order should refuse its consent, there would be no decision. This danger is not to be feared if the votes are counted by head." The third estate is interested not only in the equitable distribution of taxes but also in laws, reforms, privileges, abuses, and in the form and composition of future Estates General. It fears that nothing will be accomplished by the approaching Estates General if the unanimous vote of the three orders is necessary to make decisions valid.

About the first of December, the Abbé Morellet, one of the last of the "philosophes," wrote and published his *Observations sur le projet de former une assemblée nationale sur le modèle des états généraux de 1614*. "It does not matter to the nation," he said, "whether this assembly is convoked and composed like that of 1354 under King John, or like that of 1468 under Louis XI, or like that of 1584 during the minority of Charles VIII, or like that of Paris in 1614. Even if all these assemblies had been convoked, composed and conducted upon the same plan, that plan is not what the nation desires and demands today. The demand is not for Estates General but for an assembly truly national. People are beginning to admit today a principle which has long been unrecognized, that it is not necessary to look for the veritable composition of the national assembly in history but in the nature of things. . . . What did the Estates General of 1614 accomplish? They left grievances unredressed, cahiers and demands without response. Since the third estate was powerless to accomplish anything, it was a matter of indifference whether the third estate had many deputies or only a few. One man can complain very energetically and even pertinently. . . . But shall the nation be limited to complaints when assembled under the present circumstances?" No, indeed; the next Estates General will be expected to accomplish something.

In 1614, the Abbé went on to explain, the privileges of the clergy and nobility were not called in question; the third estate was less burdened with taxes; inequality was borne with more patience; but the opposite was the case in 1788. The weight of the enormous public debt had to be distributed equitably among all classes of citizens. This would entail the abolition of some of the privileges of the clergy and nobility. Here, then, was the rub. The conflict was between the third estate on the one side and the privileged orders on the other, and the two parties to the conflict would have to have equal representation.

Since the third estate would be on the offensive all the time, trying to wrest privileges and immunities away from the other two orders, it could never agree to count the votes by order or permit the use of the veto.

"Discard all that useless collection of old arguments and worn-out charters, all that useless mass of superstitions." Such is the exhortation of another pamphleteer.²⁰ "Reason reigns today, and reason declares that it is not good for millions of men to be subject to the arbitrary will of one man. Reason declares that it would not be good for millions of men to be subject to the special interest of a few men. Reason declares that, since the Estates General of a nation are the assembly of the representatives of that nation, they should be convoked in such a way as to give them a representative character, complete and unquestionable, based on free election by the represented."

In a pamphlet entitled *Protestation contre la forme des états généraux de 1614*, a writer says: "The disposition to do today what we did yesterday, however evil that deed may have been, is diametrically opposed to the progress of reason, justice and truth. Nothing is better calculated to narrow the bounds of the human spirit, to consecrate prejudices and errors, and to make men forget the rights of nature and humanity. I will go further and say that such a disposition is destructive of the morals and virtues of a people. What? Because I have done something today that is contrary to reason, truth and justice, I must needs do the same thing tomorrow? This is simply too absurd." Then he goes on to say that, since the third estate was the most numerous, the most useful, the most industrious, and the most important of the three orders, it should have at least two thirds of the deputies in the Estates General "in order to balance thereby the too fatal ascendancy which the prerogatives of rank and power give."

"I admit," wrote another pamphleteer,²¹ "that it would not be practical to ascertain the will of every man in France upon the question submitted to the Notables; but it would be possible to ascertain the general will of the nation upon the form to be observed in the convocation and composition of the Estates General, by convoking for this particular purpose an extraordinary assembly of national representatives." This had already been done, he pointed out, in the United States of America with a population of two or three million and in Dauphiné

²⁰ Sur cette question: Est-il nécessaire ou utile que les états généraux de 1789 soient convoqués dans la forme de ceux de 1614? (S.I.n.d. Pp. 8).

²¹ De la formation des états généraux (S.I.n.d. Pp. 16).

with a population of half a million. It could be done just as easily in France with a population of twenty-four million. The king had but to convert the parishes into electoral districts and request the qualified voters to elect representatives. In this way alone could the will of the nation be ascertained. Should the king take the advice of the Notables and convoke the Estates General in accordance with the form observed in 1614, the third estate would protest with all its might; it might even refuse to send deputies to such an assembly or, as a last resort, it might have recourse to insurrection.

Under date of December 3, a pamphleteer,²² purporting to be an advocate at the Parlement of Dijon, declared that a hundredth part of the French nation was calling in question the natural, inalienable, and imprescriptible right of the other ninety-nine hundredths to be represented efficaciously and in sufficient numbers. The privileged orders, he said, were not content to possess one third of the landed property of the kingdom and to collect feudal dues from another third, but were bent on shifting the burden of taxation upon the non-privileged classes. It was time, he thought, to act. If the third estate lost the contest, it would fall back under the domination of an aristocracy and its chains could be broken, if at all, only by one of those dreadful convulsions that make deserts of empires. It was, then, a question of liberty or slavery. To be taxed arbitrarily by an aristocracy which itself escaped taxation was to be degraded from the status of a man and a citizen to the status of a slave. There was a time, he said, when all the people shared with the king the honor of legislation. "*Lex fit consensu populi et constitutione regis.*" But with the advent of feudalism the clergy and the nobility began to form separate orders with privileges opposed to the interests of the common people. To balance the weight of these two privileged orders, it had now become necessary to give to the common people as many deputies in the Estates General as to the clergy and nobility combined and to count the votes by head. If the king, through perfidious counsel, should convoke the next Estates General according to the form observed in 1614, the deputies of the third estate should protest with all their might, even at the peril of their lives, at the iniquity of the proceedings.

In the decree of July 5, wrote Jean Albisson at Montpellier,²³ the

²² *Discours de M. V***, avocat au parlement de Dijon, à son ordre assemblé le 3 décembre 1788 (S.l.m.d. Pp. 20).*

²³ *Lettres d'un avocat à un publiciste, à l'occasion de la prochaine assemblée des*

king expressed a desire to see the nation "sufficiently represented." In none of the Estates General from 1302 down to 1614, he said, had this been the case. To convoke and compose the Estates General as in 1614 and expect them to transform themselves afterwards into an assembly "sufficiently" representative of the nation would be folly, for the three orders would fall to quarreling over their respective powers and privileges and accomplish nothing. If the nation, then, was to be "sufficiently represented," the convocation and composition of the Estates General would have to be determined in advance.

"The third estate," Albisson concedes, "doubtless owes veneration to the ministers of that holy religion which respires only concord and preaches only fraternal charity; it owes respect to the worthy scions of those old families of warriors and magistrates who in times of dissensions and storms have defended and saved the State by the help of arms and laws; but does it not owe something to itself? Alone it has supported up to the present the heavy burden of the public charges; it has furnished the laborers, the artisans, the artists, the manufacturers, the merchants, the majority of the scholars and men of letters, the jurists, the physicians, the village and country curés; from it is recruited and by it is sustained a population of twenty-four million citizens; it is the inexhaustible source of all the means of comfort, abundance, splendor and prosperity, and without all that, what would the nation be?" The third estate, he says in conclusion, demands only half of the deputies in the Estates General "and no one can doubt today that it will obtain this proportion."

All this argument in support of the demands of the third estate, we read in the *Soliloque d'un patriote*, does not get down to fundamentals. Land is the source of all value, and ultimately all the taxes are paid by the landowners. Since the third estate owns no more than one fifth of the land of the kingdom, it cannot reasonably demand one half of the deputies in the Estates General. The vaunted numerical strength of the third estate should not be taken into account, because the numerous financiers, capitalists, merchants, and farmers who compose the bulk of the third estate pay no taxes except upon *consommations* and industry, and these taxes are ultimately passed on to the landowners by means of enhanced prices and increased rates of interest. Thus the landed proprietors pay both their own taxes and the taxes of the mer-

états généraux du royaume (S.I.n.d.). Two letters: the first (23 pp.) dated November 18, 1788; the second (43 pp.) dated November 24, 1788.

chants, manufacturers, capitalists, farmers, laborers, and others of the third estate. How, then, can these non-taxpayers presume to demand the right to send half the deputies to an assembly convoked for the purpose of raising taxes to meet the deficit and pay off the national debt? The third estate can not reasonably demand more than one fifth of the deputies.

In a pamphlet entitled *Eclaircissement à l'amiable entre la noblesse et le tiers état*, a Breton noble claims to have studied the situation carefully from a legal and constitutional point of view and to have arrived at the conclusion that the nobility of Brittany and of several other provinces, the majority of the parlements, and almost all the Notables were justified in departing from 1614 as from a fixed point, pending the time when the three orders could meet and agree among themselves upon another form of convocation, if indeed another form was advisable. The only provisional modification to be permitted, he thought, would be an apportionment of the number of deputies among the bailiwicks in accordance with size and population. In fairness to the privileged orders it should be recognized that they had no intention of humiliating or oppressing the third estate. It would not be to the interest of the latter, then, to persist in its demand for as many deputies as the two other orders combined or for the vote by head; for such an attitude would arouse the hostility of the privileged orders and induce them to take the aggressive and, with their facility for gaining votes, they could always be in the majority. The clergy, he averred, from the first prelate to the last parish priest, the nobility, from the son of France to the humblest squire, were willing to do everything for the third estate; but it would be dangerous, in his opinion, for the third estate to undertake to do everything for the kingdom. "No aristocracy and no democracy in this fair and ancient monarchy," he exhorts; "no bourgeois oligarchy or rustic ochlocracy."

Such were the most important pamphlets published while the Notables were in session. In a sense, all educated France was engaged in "a round-table discussion," in an effort to discover a solution to the problem which confronted the government. The advocates of this or that plan presented their briefs; there were pleas, replies, rejoinders, and rebuttals; there were arguments both logical and subtle, suggestions more or less feasible; but Necker and his colleagues were too busy to read the pamphlets or to analyze the arguments. What was needed was a surge of public sentiment in favor of certain specific demands,

which would be more potent than logic. This need was amply supplied by the vast number of petitions, memorials, and remonstrances that now came pouring in upon the government from every city, borough, village, and corporation of the kingdom. To these manifestations of public opinion we now turn for examination.

CHAPTER IX

MEMORIALS AND PETITIONS OF THE THIRD ESTATE

The declaration of the Parlement of Paris on September 25 aroused the third estate as nothing else had previously done. It was followed ten days later by the announcement that the Notables, who were nearly all members of the privileged classes, would meet again early in November to advise the king on the very questions raised by the Parlement. What was that advice likely to be? Though some hoped for the best, the opinion was pretty general that the Notables would likely agree with the Parlement; for history and tradition—in a word, the *documents*—were on that side. If the third estate was to have in the next Estates General an influence commensurate with its numerical strength, its wealth and intelligence, and its general importance, it would have to discard documents and appeal to reason, justice, and natural rights. The month of October, accordingly, saw the beginning of a wide-spread movement, which gained heat and intensity in proportion to the certainty that the Notables would agree with the Parlement, and it continued until the spring of 1789. Cities, boroughs, and other organized bodies drafted memorials, petitions, resolutions, and remonstrances and sent them to Barentin, Necker, and other ministers, ostensibly in response to the decree of July 5, demanding the double representation for the third estate and vote by head.

Thanks to Camus, first keeper of the archives, the "Délibérations des Villes, Bourgs et Communautés relativement à la Convocation des Etats-général" have been preserved—not only the originals,¹ but also neat transcriptions of the originals bound in eleven large *registres*.² On turning the pages of these huge tomes, one notes that a few of the "délibérations" took place in October. Here, dated October 22, is a *Requête* from the "juges-consuls" of Abbeville for the double representation, vote by head, and other favors. The number greatly increased during November. On sending their "délibération"

¹ Archives Nationales, dispersed in Series B^A 1-90.

² B^{III} 164-174.

to Necker on November 1, the "consuls de la communauté d'Auzet" thus addressed him in a covering letter: "Monsieur, we are very glad that the king has recalled you. Our misery is great; many of us are forced to give up the struggle (*déguerpir*) in spite of hard work and close economy. If unfortunately the third estate does not have the same number of deputies as the two first orders combined, it will become a nullity (*un être nul*) and be forced to give up the struggle (*déguerpir*)."³ "The rumor has spread," we read in another *Requête*, "that the different bureaux of the Notables convoked by your majesty are voting (with the exception of the one presided over by Monsieur, your august brother) for the form observed in 1614. The general cry of all the faithful communes and large cities of your kingdom is raised to you. Deign, Sire, to allow us to join to it our feeble voice."⁴ And so on down through December and January. After having read a hundred or more of these "délibérations," one begins to note that, while they differ in matters of detail, the majority are remarkably alike in form and general content. For their effectiveness they evidently depended not so much upon the cogency of the argument advanced as upon the drum-fire, as it were, of popular opinion. Each "délibération" was a solid shot aimed at the citadel of privilege.

The usual method of "deliberating" was as follows: The officials of a municipality called together a group of individuals whose opinions were probably known in advance. To this group a prominent official delivered a prepared address—the "key-note speech" of the occasion; after which a memorial or petition was proposed and adopted unanimously, often with applause and shouts of "Vive le roi!" Then the secretaries of the assembly were instructed to make several copies of the "délibération" and send them to Barentin, Necker, Villedieuil, the Comte de Perigord, and probably to other influential personages at Court, with an appropriate letter in each case humbly requesting the recipient to lay the "délibération" before his majesty and support it with his credit. More often than not, so it would seem, the channel of transmission was the intendancy. Terray, intendant of Lyons; Caze de la Bove, intendant of Grenoble; Ballainvilliers, intendant of Montpellier and Toulouse; and Amelot, intendant of Dijon, are frequently mentioned in the records as intermediaries. The keeper of the seals,

³ B^{III} 165, pp. 619-620.

⁴ "Requête adressée au roi par les habitants de la ville de Barfleur," B^{III} 166, p. 60.

on receipt of his copy, always passed it on to Necker with a formal note to the effect that he could make no better use of it.

When the city of Barjols "deliberated" on December 2, the assembly had before it two printed "*délibérations*"—one from Tarascon (October 29) and another from Aix (November 14)—to serve as models.⁸ This seems to have been a common practice and raises the question whether the whole campaign was not inspired and in a measure directed by a few active leaders. Concerning this possibility we have the affirmation of Sallier that petitions drafted at Paris under the inspiration of Necker were sent to the principal cities for signatures. "Deputations brought them back to the foot of the throne," affirms Sallier, "and were always listened to, whereas any one who wished to make representation in the opposite sense was refused a hearing or unfavorably received."⁹ But Sallier was opposed to the popular demands and probably stated as a positive fact what he only suspected to be true. The origin of the petitions can be accounted for satisfactorily without reference to any group of designing men at the capital. The evident necessity under which the third estate labored of presenting a solid front in the assault on privilege was sufficient in itself to impress on active leaders here and there throughout the kingdom the advisability of circulating *bona fide* "*délibérations*" as possible models.

Unfortunately the official correspondence of the intendants during these critical months seems to be lost beyond recovery. What a flood of light it might throw upon the popular agitation! In the Camus collection, however, a letter remains to tell us what one intendant has to say about the movement in Burgundy. Because of its uniqueness it deserves to be quoted in full:

Monseigneur, the demands (*réclamations*) which the third estate is making everywhere, the deliberations taken on this subject in the majority of the cities of France, the publicity which has been given to them through the printing-press, have stirred up in Bresse a great popular ferment. I was told while on the journey which I have just made to the capital of that province that the third estate there also was going to make certain demands. As I did not then know anything positive about the matter, Monseigneur, I did not think I ought to inform you of it; but since my return to Dijon I have received a letter from Bourg informing me that an assembly of the third estate is going to take place there immediately to deliberate upon several matters outlined in a memorial which will

⁸ B^{III} 166, p. 88.

⁹ *Annales françaises*, p. 233.

be presented to this effect; that the first and principal demand (*vau*) will be that the third estate have in the Estates General as many deputies as the two first orders combined; that freedom of election be assured to the third estate, and that the choice of its deputies be left to it alone. The letter goes on to say, Monseigneur, that a proposal will be made to address a petition to the king either for the reëstablishment in Bresse, Dombes and adjacent territories of the old provincial estates according to the plan traced for the province of Dauphiné or for the convocation of a general assembly of the said territories (*pays*) to deliberate upon the form of their estates. There is going to be a demand also for the reëstablishment of a *cour supérieure* in the city of Bourg according to a plan which will be proposed but of which I have been left ignorant. I am further assured that in this assembly the third estate is going to demand the revocation and annulment of all protests, *arrêts* and *arrêts* of the Parlement of Dijon preferring charges of infamy against the officers of the *bailliage*⁷ of Bresse. It appears finally, Monseigneur, that certain other motions will be made in this assembly. I have made arrangements to keep accurately informed of what takes place and as soon as I know something new I shall have the honor to inform you. Since my return to Dijon I have been assured, I may add, that the third estate of this city, and of many other cities of Burgundy as well, has been planning to assemble and manifest its will upon the number of deputies that the third estate ought to have in the Estates General and upon the form of the elections; but I can not give you any definite details in regard to this.

Signed: Amelot, intendant of Dijon.⁸

Thus through the eyes of the intendant one can see the third estate preparing for concerted action in Burgundy; but Barentin, to whom the above letter was addressed, probably failed to find the report unique. In reply he wrote: "I have received, Monsieur, your letter of December 4, in which you inform me that the majority of the cities of Burgundy are going to assemble and express their will upon several points, notably upon the manner in which they desire to be represented in the Estates General. I thank you for the details which you have sent me."⁹ Apparently the keeper of the seals deemed it unnecessary to make any comment or suggestion.

Events were to prove that Amelot had been well advised. Soon there appeared in print the *Requête du tiers état de la ville de Bourg, suivie de la délibération des officiers municipaux*. In this we read in substance: The plebeian can be seen everywhere taking part in everything. He adorns the pulpit with his eloquence and the bar with his

⁷ A law court established by the decrees of May 8.

⁸ "Lettre de M. Amelot, intendant de Dijon, à M. le garde des sceaux, 4 décembre 1788," B^{III} 166, pp. 606-610.

⁹ B^{III} 166, pp. 610-611.

learning; he enriches astronomy, chemistry, and physics with his ingenious discoveries; he is the mainstay of our armies—without him the nobility could gather no laurels; he builds our fleets, extends and sustains our commerce—without him France could not share in the wealth of the New World; to his bold enterprise France owes her proud position as a manufacturing nation; by his efforts the soil is made to yield all the products useful to man; wherever our eye turns we find traces of his beneficent handiwork. By his importance to society, then, he merits consideration. If representation is based on population, the third estate ought to have nineteen out of every twenty deputies; if on taxation, it ought to have seven out of every eight; if on extent of landed property, it ought to have at least as many deputies as the nobility and clergy combined. The last is a modest request, and the third estate will be satisfied with nothing less. In 1614 the third estate had very few representatives outside the privileged classes; in the next Estates General it must have an adequate representation chosen from its own order.

Simultaneously there came from the Imprimerie de Causse in Dijon the *Requête présentée au roi par le tiers état de la ville de Dijon, avec les délibérations prises à l'hôtel de ville par les différents corps et communautés de la même ville*. Here we read in substance: If we consult the natural rights of man and the dictates of reason, we find no authority for the subjection of twenty-two million individuals to three or four hundred thousand. Why do the privileged orders demand this unjust advantage? So that they can become masters of the assembly and preserve their privileges.

We do not contest, Sire, their right to decorate themselves with the distinctions merited by their ancestors, and we respect those sons who have not degenerated from the virtues of their fathers. But consider us. Have we done nothing for the country? Agriculture, the first of all the arts, the source of all the wealth of your empire, has it not been perfected by our hands? To whom does France owe her manufactures and her commerce? Have we or have the clergy and nobility worked the most efficaciously to give to the nation that power and, one can say, that superiority in every respect which has raised it above other nations? The knowledge which enlightens your subjects, the arts which embellish your cities, are they not our work? If the nobility sheds its blood when the country is attacked, do we not give our lives? May Heaven preserve forever, in the bosom of France, those families who are really noble and illustrious by reason of their services and virtues. But if the nobility should cease to exist, would the State perish with them? Would it lack defenders? Would its power be extinguished? [Not at all.] Such are in general the principal reasons

which have determined us to demand that, in the assembly convoked to consider the common welfare of the nation, the third estate have as many deputies as the two other orders combined.

From other points widely dispersed on the map came the same argument and the same request, though the phraseology is slightly dissimilar. Say the petitioners of Nantes:¹⁰

The third estate cultivates the fields, constructs and mans the vessels of commerce, sustains and directs the manufactures, nourishes and vivifies the kingdom; without its labor and industry, France, the most flourishing country in Europe, would soon lose that primacy. . . . Is it not astonishing that the order which gives to all the citizens of the empire scholars to enlighten them, magistrates to dispense justice for them, artisans to procure for them the commodities of life, and merchants to distribute for them wealth and abundance—is it not astonishing that this order has groaned for centuries in abjection and constraint? . . . It is time that a great people be counted for something in the balance of the administration. Not that the third estate pretends to share all the prerogatives of the two first orders. Every well-organized society admits distinctions and degrees among the individuals who compose it. This is in accord with reason and the common need. In an empire like France, without this ancient and respectable hierarchy, everything would soon be in disorder and confusion. But more equity in the distribution of the taxes, more influence in the conduct of public affairs—this is what the third estate demands.

At Lyons¹¹ the following line of argument was used: The king has recognized that he has no authority to tax the nation without its consent. This being the public law in France, it follows logically that the king can not exempt any part of the nation from paying taxes. Yet if the clergy and the nobility are given two thirds of the deputies in the next Estates General, they will be able to defend and retain their exemptions, which would be extremely unjust, illegal, and illogical.

"It would be absurd," we read in the *Vœu du tiers état de la ville de Chartres*, "to consult what has been done in order to know what ought to be done. Old forms are respectable only when they are just." Reason and eternal justice are our only guides. "Let no one think that these guides are uncertain and deceptive. . . . Moral and political truths have the same degree of certitude and proof as the truths of mathematics." The only just and reasonable basis for representation is population. On this basis the third estate should have many more

¹⁰ *Arrêté des officiers municipaux de la ville de Nantes, du 4 novembre 1788, suivi de la requête du tiers état et de l'arrêt du 6 du même mois (S.l., 1788).*

¹¹ *Requête au roi par les habitants de la ville de Lyon, décembre 1788 (S.l.n.d.).*

deputies than the clergy and the nobility combined, because the third estate forms nineteen twentieths of the nation. "We respect and shall always venerate the two first orders of the State; we are very far from wishing to destroy that distinction which, in so many respects, those old families born with the monarchy have merited"; but let them be content with their honorific privileges and social distinctions.

"The third estate is the nation," declare the petitioners of Tarbe;¹² "the privileged orders are the exception. If the clergy and the nobility should disappear from the face of the earth, you would still have, Sire, a nation of faithful subjects who cherish and admire your virtues; but if the third estate should disappear you would have nothing left."

"What is the third estate?" asked a group of Cévenols.¹³ "It is the order of citizens that fertilizes the soil of the country, that attracts wealth from outside, that sends abroad the products, the spirit and the industry of France, that bears the burden of taxation, that composes our armies and constitutes the nerve of the nation or rather the nation itself. And yet there are some who would exclude it from its own assembly."

At Rouen a lawyer named Thouret, later to be prominent in the Constituent Assembly, drafted a memorial for "les communautés, corporations et citoyens particuliers de l'ordre du tiers état de cette ville," in which he argued as follows: Those who contend that double representation for the third estate is contrary to the constitution of France are under obligations to show us the charter or diploma which contains this constitution. Can they cite a single law or resolution or convention which fixes invariably the composition of the Estates General? There has never been a rule fixing the total number of deputies relative to the extent and population of the kingdom. There has never been a rule fixing the number of deputies for each province or bailiwick, relative to wealth or population. There has never been a rule fixing the proportional number of deputies for each of the three orders. In 1356 there were 800 deputies, of whom the third estate had 400, that is, the double representation. In 1467, 1483, 1576, and 1614, the third estate in many provinces and bailiwicks sent double representations, which accounts for the fact that the third estate always had

¹² *Adresse au roi de plusieurs habitants de Tarbe, capitale de la province de Bigorre (S.l.m.d.).*

¹³ *Vœu du tiers état et réclamations particulières du pays des Cévennes sur son admission et ses doléances aux états généraux, en conséquence des délibérations unanimes prises par 25 communautés (Paris et Nîmes, 1788).*

a greater number of deputies at these sessions than either of the other two orders had. Finally, there has never been a rule fixing the manner of voting and deliberating in the Estates General. Sometimes the votes have been counted by head and sometimes by order. In the absence of established rules governing the matter, therefore, the Estates General should be convoked and composed in accordance with the dictates of reason and justice.¹⁴

At Paris the municipal officers were slow to follow the example of the provinces. November passed and December began, and still there was no call for a meeting at the *hôtel de ville* to "deliberate" upon a memorial to the king. In the absence of official direction, private individuals at last determined to take the initiative. As the first step in the process some one drafted a *mémoire à consulter*. "The undersigned inhabitants of the city of Paris," it begins, "ask for counsel upon what they should do relative to the next election of deputies to the Estates General." In 1560, 1576, 1588, and 1614, the *mémoire* continues, the deputies of Paris had been chosen by the municipal officers with the assistance of certain notables of the city called in for the purpose. The undersigned desired to know how this abuse could be legally reformed and the right of free election restored. Attached to the document were 108 signatures, among which we recognize the names of the Marquis de Lafayette, the Comte de Mirabeau, the Comte de Tracy, the Comte de Kersaint, the Abbé Morellet, Garat, Hébert, and Bailly. The next step in the process was the submission of the *mémoire* to a group of eleven eminent lawyers and publicists for an opinion. In this group we recognize the names of Target and Lacretelle. The opinion was given on December 18. In accordance with it the king was memorialized, as the third step in the process, to grant the city of Paris a special representation in the next Estates General, elected by the inhabitants without regard to the distinction of orders.¹⁵

But this long-drawn-out process, with its scrupulous regard for legal forms, failed to catch the popular imagination. Something was

¹⁴ *Mémoire que présentent à MM. les maires et échevins de la ville de Rouen, les communautés, corporations et citoyens particuliers de l'ordre du tiers état de cette ville; et délibération de MM. les officiers municipaux en l'assemblée générale du 30 novembre 1788* (Rouen, 1788). According to Barbier, the *mémoire* was drafted by J.-G. Thouret. There were at least three editions. Cf. *Mémoire présenté au roi par les avocats au parlement de Normandie, sur les états généraux* (Rouen, 1788), of which there were at least four editions.

¹⁵ Ch.-L. Chassin, *Les élections et les cahiers de Paris en 1789* (Paris, 1888-1889), I, 79-99.

needed to create excitement. This need was supplied by a futile attempt of the Parlement, on December 17-19, to punish those connected with the publication of a pamphlet entitled *Pétition des citoyens domiciliés à Paris*. The author of this pamphlet was the eminent Dr. Guillotin, of the medical faculty of the University of Paris. He had read the current publications of the time and reflected deeply on the cause of the third estate. Now, with marvelous clarity of expression and commendable moderation, he in substance resumed the arguments as follows:

What should be the form and composition of the next Estates General? The king has asked his people for an answer to this question. To keep silent, then, is to betray the confidence of the king and the nation. Already the voice of a great number of citizens has been heard. The three orders of Dauphiné have given the example. The third estate of Brittany and Normandy has followed suit; Lyons and Bordeaux have explained their views. A great number of citizens have published pamphlets containing information and patriotic opinions. It is time that the citizens of all the orders domiciled at Paris give an expression of their sentiments and desires.

States, like individuals, are governed in accordance with laws, usages, and reason. Good laws are always in accord with reason and sometimes with usages. Laws that are contrary to reason, though in accord with usage, should be changed; but they should be respected until they have been properly abrogated and replaced by better laws. In default of laws, usages may govern men. When usages are bad, reason demands absolutely that they be changed; to regard them as sacred simply because they are usages is folly. Reason alone is invariable. Its rights, as ancient as the world, are imprescriptible. It is by reason alone that the goodness or badness of laws and usages can be tested.

The Estates General of the realm should be formed and composed in accordance with laws, usages, and reason. But there is no law on the subject. So we turn to usages, and we find that only two usages have been constantly followed in the formation of the Estates General: (1) The citizens who have been present at the Estates General have always been divided into three orders—clergy, nobility, and third estate; (2) the writs of convocation have always been addressed to the bailiffs. Upon all the rest, usage is silent. The number of deputies has varied with each session, there has been no established ratio for the distribution of deputies among the orders, there has been no rule

for the election of deputies, and the votes in the Estates General have been counted sometimes by head and sometimes by order. The form observed in 1614 was no more in accordance with usage than was any other.

When the laws are silent and usages tell us little, reason remains our sole guide. Now what does reason tell us about the formation of the Estates General? That the Estates General should be the representative assembly of the nation, that the deputies should be freely elected, that they should be neither too few nor too numerous, and that their votes should be counted by head and not by order.

One deputy for every 5,000 qualified voters would be about the right proportion. Since there will be about three million qualified voters, there should be about 600 deputies in the Estates General. Since the clergy will have only about 60,000 qualified voters and the nobility about the same number, each of these orders should have only twelve deputies. The third estate would then have 576.

But, while this ratio would be in accordance with strict justice, the third estate does not demand it. "We demand only that our deputies in the Estates General be at least equal in number to those of the clergy and nobility combined, so that we shall no longer be debased and crushed."

There are in France only two classes with opposing interests: the privileged and the non-privileged. To enable each to defend its interests against the other, there should be between them a balance of power. At the ratio of one deputy to every 5,000 voters, the non-privileged class would have about 600 deputies. This number should be balanced by 600 deputies of the privileged class. Such is the composition given to the recently formed provincial assemblies; such is the composition demanded by the three orders of Dauphiné and by the third estate in Brittany and Normandy, at Lyons and Bordeaux, and in many other places; and such is the composition demanded by the general cry of reason and justice.¹⁸

After having completed the composition of the pamphlet, Dr. Guilotin submitted the manuscript to a small group of his intimate friends for comment. In this way it fell into the hands of a certain De La Frenaye, one of the twelve wardens of the Six Corps de Marchands, who read it to his colleagues. The upshot was that, on December 10, the Six Corps adopted the *Pétition* as an expression of their own

¹⁸ Chassin, *Les élections et les cahiers de Paris*, I, 35-46.

sentiments and employed a local printer named Clousier to strike off 6,000 copies. To the copies destined for distribution in Paris was attached the following *avertissement*:

The Six Corps of the city of Paris, having adopted by deliberation of December 10 the *Pétition des citoyens domiciliés à Paris* of December 8, have hastened to send you a copy. If the principles developed there are your principles, we invite you to give your adhesion. To this effect we have deposited a copy of the petition in the study of each of the notaries of Paris, in order that each citizen may adhere to it by his signature. These signatures will all be collected and printed in the list which is now being prepared for publication.¹⁷

In the distribution the members of the Parlement were of course not neglected. On receipt of his copy, Séguier, *procureur général du roi*, brought the matter to the attention of his company. The collection of signatures in this way, he contended, was a form of association or assembly and as such was in violation of the laws of the kingdom. If not checked in its incipency, the movement, he greatly feared, would result in tumult and disorder. He proposed, therefore, that the notaries be forbidden to receive signatures to the petition and be required to bring their copies to the clerk of the court, with such other records as they might have in connection with the affair, and that the wardens of the Six Corps be likewise required to bring to the same official the record of their "délibération" of December 10. Thereupon the Parlement ordered Clousier, the syndics of the notaries, and the wardens of the Six Corps to appear at the bar on December 18 for questioning.¹⁸

Naturally the very excitement which the Parlement was trying to check was now greatly increased. Crowds flocked to the Palace of Justice and ostentatiously signed the petition under the very noses of the magistrates. In the interrogation, De La Frenaye, speaking on behalf of his colleagues, said boldly that he had only one regret, that he had not thought to use the Palace of Justice as the place of deposit. Dr. Guillotin, questioned in his turn on December 19, acquitted himself well. At the conclusion of his testimony, "the crowd that filled the Grand'Salle impatiently waiting for its intrepid defender, received him with loud acclaim, crowned him with flowers, and escorted him home in triumph."¹⁹

¹⁷ *Ibid.*, p. 34.

¹⁸ *Ibid.*, p. 57.

¹⁹ *Histoire de la révolution . . . par deux amis de la liberté*, I, 141-142.

Though Dr. Guillotin was let off without even the hint of a reprimand, the contention of Séguier was sustained by the court, and a decree in line with his proposal of December 17 was adopted. The petition was not suppressed; but the notaries and the wardens of the Six Corps were ordered to discontinue their solicitation of signatures,²⁰ and they obeyed. At the same time the Parlement resolved to send its president to the king with the humble representation that only the prompt convocation of the Estates General would calm the popular agitation.²¹

This tame ending to what promised at first to be a great patriotic demonstration was shortly followed by the appearance of an incendiary pamphlet entitled *Avis aux Parisiens*, which was spread broadcast throughout the city and the provinces. It begins:

Frivolous Parisians, you run to shows, cafés and amusements when the monarchy is in danger, when your enemies are at work to increase the weight of your chains and make you slaves. You remain in stupid indolence when you ought to be thinking of defending yourselves. It is in vain that writers all aflame with love of country sustain your tottering liberty. You do not second their generous efforts. You remain coldly indifferent. Look at Brittany, Guienne, Languedoc and Dauphiné. There the people assembles and takes deliberations to shake off the yoke which the privileged orders wish to impose upon it, and to protect its rights; and you, who ought to give the example to the provinces, hardly give any support to the revolution that is being prepared. You go to your amusements; you pass your days in soft and effeminate living. Sluggards, shake off this shameful apathy and criminal insensibility. Rise against the clergy, the nobility and the magistracy leagued together. Do not suffer 600,000 men to dictate the law to 24,000,000. Do you hear the clergy demanding its franchises and immunities? the nobility its privileges? the magistracy its prerogatives? As if it were not shameful to speak of franchises, immunities and privileges when the State is in need, when the majority of the nation is in misery. Rally around the king. Form a wall of separation. Maintain his authority and the independence of the crown. . . .

You can be represented legally in the Estates General only in so far as your deputies are proportional to your population. It would be absurd for the clergy, nobility and magistracy, who together do not number 600,000, to have as many deputies as 24,000,000. It would be absurd for the three orders, who do not pay one eighth of the taxes, to be on a parity with the body which pays seven eighths. Your representatives ought to be at least seven times as numerous as the representatives of the privileged orders. Insist on obtaining this proportion. Urge the notables of your

²⁰ Chassin, *Les élections et les cahiers*, I, 71-72. Brette, *Recueil de documents*, I, 35.

²¹ Chassin, *op. cit.*, p. 70. Brette, *op. cit.*, pp. 35-36.

class to make known your will and to declare null and void every decision contrary to your will. Let it be known that if your deputies do not have the preponderance you will not send any to the Estates General. . . .

People, think of the burden that you bear. Look around you at the palaces and the châteaux built with your sweat and your tears; those highways which you have paved still resound with your groans. Compare your situation with that of those prelates, those beneficiaries, those *grandeess* and those senators. What do you receive from them in return for all the benefits with which you have overwhelmed them, for all the respect which you have rendered them? Only contempt. They call you *canailles*. Make them see that the *canaille* is that crowd which lives at your expense and grows fat on your industry.²²

This pamphlet was seized, lacerated, and burned by the Parlement of Rennes on January 8 and by the Parlement of Paris on March 6.²³ Meanwhile the author, who was probably Nicolas Henri Linguet, *avocat*, notorious for his bold spirit and incisive pen, followed up his success with another entitled *Manière dont les Parisiens doivent s'y prendre pour s'assembler et faire connaître leur vœu*. "Parisians," he begins. "I see that you approve the advice (*avis*) I gave you, that you recognize the danger threatening you, that you are disposed to break your gloomy silence. Who is still holding you back? Why does not your voice resound? What! You do not know how to assemble! Why, you donkeys, must you always be led by a halter? Can you never act by yourselves? Don't know how to assemble! Are you not organized in bodies, corporations and communities? Do you not have secretaries, syndics, wardens and *jurats*? Do you not have *bureaux*? Who can hinder you from meeting as individuals to deliberate and adopt a strong (*mâle*) resolution? Can't your official leaders call you together? If they are indifferent enough or slothful enough to abandon your interests, can't one of you take their place and issue the call?"²⁴ But to no purpose; the Parisians did not respond.

In summarizing the relative importance of the numerous petitions and memorials of the third estate, we can do no better than accept in conclusion the dictum of the Abbé Siéyes:

The genuine demands of this order can be appreciated only by reading the authentic reclamations which the municipalities of the kingdom have

²² *Avis aux Parisiens et appel de toutes convocations d'états généraux où les députés du troisième ordre ne seraient pas supérieurs aux deux autres (S.l.n.d. Pp. 11)*. Another edition, dated 1789, adds to the title the phrase "par M. Linguet." Cf. Sallier, *op. cit.*, pp. 235-236.

²³ Chassin, *op. cit.*, I, 157-158.

²⁴ *Ibid.*, 158.

addressed to the government. What do we see there? That the people desires to be *something* . . . deputies drawn from its own order . . . a number of representatives equal to that of the two first orders combined . . . the votes to be counted by head and not by order. These are the demands that have spread alarm among the privileged classes, for the latter perceive that if these demands are granted the reform of abuses will inevitably follow.²⁵

²⁵ *Qu'est-ce que le tiers état?* (3d ed., 1789), pp. 28-30, 136.

CHAPTER X

THE MEMORIAL OF THE PRINCES

On November 22, just before the Notables had completed the preliminary task as set by their agreement of November 10-11, Necker submitted to the bureaux a bundle of documents labeled "Summary (*précis*) of the demands and remonstrances lately addressed to the government by various cities, districts and provinces."¹ This was the first instalment of the memorials and petitions of the third estate discussed in the preceding chapter. Monsieur's bureau listened to the reading of the "summary" on November 24 and after considerable discussion passed to the regular business of the day. The second bureau let it lie on the table until the 26th, when "the bureau resolved that this extract be annexed to the minutes."² The action of the other bureaux need not be mentioned in detail; for the attitude of the majority of the Notables became abundantly manifest on November 28, when the Prince de Conti, as we have seen, delivered his remarkable philippic against "scandalous writings." On receipt of this so-called "motion" the king wrote: "The Prince de Conti, as well as the other princes of my blood, ought to address themselves directly to me, and I will hear them gladly, when they wish to tell me anything that they may deem useful to me." So for the time being the matter rested.

The formal closure of the Assembly took place on December 12. The opinion of the majority of the Notables, partially contradicted by that of Monsieur's bureau and by the declaration of the Parlement on December 5, and vehemently attacked in the publications of the third estate, did not inspire the reactionaries among the Notables with much confidence in the success of their cause. They felt the necessity of making further efforts to act upon the spirit of the Court and thereby to bring pressure to bear upon the government. In consequence, five princes of the blood—the Comte d'Artois, the Prince de Condé, the Duc de Bourbon, the Prince de Conti, and the youthful

¹ Minutes of the first bureau, 15th sitting. Archives Nationales, C 6, reg. 2. Mentioned also in the minutes of the other bureaux under dates of November 22-26.

² Minutes of the second bureau, 17th sitting. Arch. Nat., C 6-7, reg. 3-4.

Duc d'Enghien—assuming the leadership of this reactionary party, submitted to the king a memorial in which they pointed out how dangerous it would be for him to grant the demands of the third estate:

Sire, the State is in peril. Your person is respected; the virtues of the monarch assure him the homage of the nation. But, Sire, a revolution in the principles of the government is taking place; it is being brought on by the public agitation. Institutions reputed sacred, institutions under which this monarchy has prospered for so many centuries, are being subjected to criticism, even decried as unjust. The writings that have appeared during the Assembly of Notables, the memorials that have been submitted to the undersigned princes, the demands formulated by the various provinces, cities or communities, the object and style of these demands and memorials, all announce and prove the existence of a system of deliberate insubordination and contempt for the laws of the State. Every author poses as a legislator. Eloquence or the art of writing, albeit devoid of study, knowledge and experience, is deemed sufficient evidence of capacity to regulate the constitution of empires. Whoever advances a bold proposition, whoever proposes to change the laws, is sure of having readers and disciples. The unhappy progress of this effervescence is such that opinions, which a little while ago would have appeared the most reprehensible, appear today just and reasonable. What today makes respectable people indignant will in a little while perhaps be accepted as regular and legitimate. Who can say where this temerity will end? The rights of the throne have been called in question; the rights of the privileged orders are subjects for popular debate; soon the rights of property will be attacked; the inequality of fortunes will be presented as an object of reform; already the proposition has been made to abolish feudal rights on the ground that these rights are oppressive and barbarous.

Not content to condemn *en bloc* the popular aspirations, the princes proceeded to condemn in particular "the pretension announced by certain bodies of the third estate to obtain for that order two votes in the Estates General, while each of the two first orders would have only one." At the prospect, the princes trembled with fear for the safety of the State.

But would the privileged orders tamely submit to innovations? "In a kingdom where for so long there have been no civil dissensions," the memorial continues, "we pronounce with regret the word *scission*. Yet it is necessary to be prepared for this eventuality if the rights of the two first orders undergo any alteration. In such an event one of these orders, or both perhaps, might refuse to recognize the Estates General, that is to say, might refuse to confirm their own degradation by appearing at the assembly. . . . Then, in the eyes of a part of the

nation, whatever might be decided in the assembly would lack the force of a national will."

Finally the princes indicated on what conditions the clergy and the nobility would renounce their pecuniary privileges. "Let the third estate," they said, "cease to attack the rights of the privileged orders—rights which, no less ancient than the monarchy, ought to be as inalterable as its constitution. Let the third estate be content to solicit a decrease in the burden of taxation with which it may be overcharged. Then the two first orders, recognizing in the third estate citizens who are dear to them, will find it possible, by reason of the *generosity* of their sentiments, to renounce their prerogatives so far as their pecuniary interests are concerned, and consent to support an equitable share of the public charges."❁

When the princes presented this memorial at the royal *levée* on December 14, they received no response from his majesty. The English ambassador wrote:

I have reason to think that the King would rather have dispensed with this mark of the zeal of His Brother and the other princes at this critical moment, when the fermentation, which is already great, through all the Provinces and in all the Principal Towns of the Kingdom, will probably be much augmented by this ill-judged measure:—The Funds have sunk 6 pr. Cent in consequence of this Remonstrance which is considered as the presage of great embarrassment to the State by the difficulties it may occasion in assembling the Nation. . . . The Court seems to wish that the Tiers Etat should have a Representation more equal to the proportion they bear of the public burthen, than was allowed them at the epoch [1614]. In several of the Provinces this proportion has been agreed upon and some of the Towns have even gone so far as to fix the proportion, viz—three of the Clergy; three of the Nobility, and six of the Tiers Etat; Bordeaux is mentioned as one of the Places where Resolutions to this effect have been passed, and nearly the same are said to have been passed at Thoulouse and Grenoble. With this disposition in the Provinces it may be well apprehended that the fermentation will increase when the address to the King is made known there.⁴

As the Duke of Dorset here predicted, the memorial created a sensation when it appeared in print. Defenders of the rights of the third estate hastened to take up their pens, and ten days later the presses were turning out response after response.

To the intimation that the privileged orders might not send deputies

³ *Archives Parlementaires*, I, 487-489.

⁴ Browning, *Despatches*, II, 127-128.

to the Estates General if the votes were to be counted by head, a writer replied that the national assembly would be held just the same.

The deputies of the twenty-three million individuals who form the body of the nation, having their sovereign in their midst, will say to each other: "We are in the most critical situation that a great nation was ever in. The finances exhausted, the domestic peace threatened, private fortunes endangered, the lowest classes of society reduced to extreme misery and ready to explode with discontent, the countryside overrun with troops of beggars and robbers, wages being reduced every day and work growing scarce, farming neglected, industrial works slowing down, laboring people of the cities living only from public charity, and finally the fear of a national and shameful bankruptcy. If some great national and widespread calamity, such as a drought, should be added to our misfortunes, the disorder might increase to such a degree that society might be entirely destroyed. Our fortunes, our properties, our lives and the lives of our women and children might not be secure. Therefore we owe it to ourselves, we owe it to this numerous people which has placed its confidence in us, to act with the greatest energy and ward off such dangers. . . . The clergy and the nobility, in order to sustain their pretensions, have refused to concur with us in the restoration of the kingdom. We are not going to perish because they are unwilling to work with us for the common safety. We are not going to let an entire people fall into misery and debasement, nor a political society dissolve, because a small number of citizens, forgetting the duties which this title imposes upon them, do not wish to join their efforts to ours. When the house of our father is burning, we shall extinguish the flames without waiting for the other children, voluntarily absent, to come and fulfil a duty so pressing." We do not see what reasonable response the clergy and the nobility can make to this last word of the third estate assembled. Since we have arrived at a point where words and writings are no longer of avail, we do not see what means the clergy and the nobility can employ to prevent the third estate, under such pressing circumstances, from carrying out its resolution.⁶

Late in December the Abbé Morellet published a pamphlet in the form of a response of Louis XVI to the memorial. In it the king is made to criticize the conduct of the princes and to reprimand them for making the affair public, instead of a private matter between him and them; but since they must have a public discussion he will answer them publicly. Then follows a detailed response. Among other things the king is made to say: "It is recognized today by all enlightened people that many of the feudal rights, such as the right of chase and especially the abuse made of it, are destructive of agriculture and national wealth; that many others, such as the servitude of *main-*

⁶ *Nouvelle discussion des motifs des douze notables du bureau de Monsieur, contre l'avis qui y a prévalu. 23 décembre 1788 (S.l.n.d.), pp. 42-45.*

morte and various kinds of seigniorial *corvées*, are cruel blows at the liberty of citizens; that others, such as the *droits de péages, de marchés, de fours et moulins bannaux*, are fatal to commerce and are the scourge of the rural districts. But in occupying itself with useful reforms, the assembly of my nation will know how to respect the principles of justice and the rights of property. It will demand no doubt that these feudal rights be redeemed. I can not believe that a transaction so just, so manifestly advantageous to the entire kingdom, and thereby to the nobles themselves or to their families, can encounter any real obstacles." As to the threat of *scission*, the king continues: "I can not think that the refusal of the two first orders, based on such frivolous motives, would deter all the rest of my faithful subjects from concurring with me in the desired amelioration of my government and their condition. Twenty-three or twenty-four million individuals will not believe themselves despoiled of the rights to occupy themselves with their affairs and their common happiness because two or three hundred thousand nobles or higher clergy (for the lower clergy are one with the third estate) might not wish to be present at the national assembly. I shall still have, just the same, an assembly of the nation."^a

Another response to the memorial is a pamphlet entitled *Le dernier mot du tiers état à la noblesse de France*. In it we read:

Without doubt the nobility is a respectable body. Never has the third estate denied it the respect it merits, but for it to take advantage of its position to crush the third estate is the height of unreason and injustice. The nobility commands the armies, it is true, but the third estate composes the rank and file. When the nobility pours out a drop of blood for the country, the third estate pours out streams of it. The third estate makes the force and wealth of the kingdom. It cultivates the soil and carries on the commerce; it fills the treasury of the State, and for whom? For the nobility. It will not recall here the immense burden of taxes that it bears. It will be content to list the prerogatives that the nobles enjoy: landed wealth, honors, dignities, pensions, favors, sinecures, charity schools, foundations for young ladies, chapters richly endowed, establishments of all kinds. These are the favors which the State lavishes upon the nobility to the exclusion of the citizens of the third estate. Add the exemption from certain taxes, the right of chase, an onerous right which can not continue as it is because there must be an end to all abuses and that end has come; incomes from fiefs, *retrait féodal, lods et ventes, quint-requint, dîmes, champarts*, etc. The nobility enjoys everything, possesses everything, and wishes to be exempt from everything. The clergy today appears to have

^a *Projet de réponse à un mémoire répandu sous le titre de "Mémoire des princes."* 21 décembre 1788 (S.l.n.d.), pp. 15-16, 32.

little to say about its pretensions. It leaves to the nobility the task of defense, because if the nobility succeeds the clergy will know how to draw inductions and arguments in its own favor. But the third estate, enlightened upon its rights, will defeat the efforts of the league.⁷

"If the great lords of the clergy, of the sword and of the robe persist in demanding the Estates General according to ancient forms," wrote the satirical and witty Antoine Joseph Michel Servan in a little pamphlet entitled *Commentaire roturier*, "the third estate on its side will insist on having bishops, magistrates and gentlemen according to ancient forms. It will demand of the nobility men like Duguesclin, Dunois and Bayard; and of the parlements, men like Cuquières, d'Orgement, Lavaquerie, l'Hôpital, Thou and Servins—all men according to ancient forms. This demand, believe me, would be more embarrassing than yours. For the convenience of everybody, let us adopt this maxim: 'For new men, there must be new rules.'"⁸

The Comte d'Artois, who had acquired considerable popularity by contributing to the disgrace of Brienne and Lamoignon, now became the target for many shafts of popular disapproval. "Public opinion, ordinarily so variable," he is told in a pamphlet, "is invariable with respect to you. You are on trial before a plebeian tribunal the weight of whose decisions increases from day to day."⁹ In another pamphlet entitled *Réponse de monseigneur comte d'Artois aux lettres adressées à son altesse royale*, the prince is made to say a number of silly things. He complains, for instance, that the *beaux esprits* are becoming too familiar with him, and denies that he spends every night "caballing" with women.

In a more serious pamphlet entitled *À monseigneur comte d'Artois*, a writer shames and excoriates the prince for allowing his name to be appended to the memorial and proceeds to say in substance: The third estate is essentially the nation. The other two orders can do nothing without it, while it can exist quite well without them. The clergy and the nobility have acquiesced in the equitable distribution of taxes. Then why should they not acquiesce in the equitable distribution of representatives? We can not trust blindly to the "generosity" of men who are evidently trying to crush and debase us. "It is no use for them to reply that we have the veto. That weapon which is common to all

⁷ Pp. 2-3.

⁸ P. 25.

⁹ *Seconde lettre à monsieur le comte d'Artois (S.l.n.d.)*. Cf. Lescure, *Correspondance secrète*, II, 315.

is also harmful to all. Each order should make a solemn vow not to use it. The Estates General are not to be convoked for the purpose of quarreling continually and deciding nothing." Besides the question of pecuniary privileges, there are others in regard to the constitution and administration of the kingdom. "Everything needs reforming, and the beneficent monarch who has prepared the way for reforms calls on us to consummate the work of our regeneration; but how can we do this if we have not as many deputies as those who might have private reasons for preventing the general welfare from being served?"¹⁰

Aroused by the discourse of the Prince de Conti on November 28 and by the memorial of the princes on December 24, Malouet, intendant of marine at Toulon, published an *Avis à la noblesse*. After advising the nobility to read Mably and "all our historians," Malouet says:

You are told that this constitution exists, that it is ancient, intact and immutable, and that it resides in the concurrence and power of the three orders. You are basely misinformed, and my apprehension and astonishment are extreme when I see that you can be abused by artifices so gross. . . . In what century and at what time has the nation been free since the reign of Charlemagne? If you eliminate from our history the reign of Louis XII and that of Henry IV, what do you find? Evils and misfortunes; the despotism of all the kings and all the ministers; a generous nation, drifting from century to century without chart and compass around the phantom of liberty; covetous courtiers who transmit as a heritage their baseness and their depredations; a people necessitous despite the fertility of its soil and the efforts of its industry; a nobility, ignorant and courageous, putting frivolous distinctions in the place of the most sacred rights; a clergy passionately attached to its immunities; and magistrates who know the nation only within the precincts and under the protection of their tribunals. Here, gentlemen, is what you call the constitution. Such are the powerful barriers which have preserved for us, up to the present, arbitrary imposts and offenses against our properties and our liberties; such are the barriers that have kept within bounds that crowd of oppressive and predatory ministers on whom we shall never be avenged. This is what you call the principles and bases of the splendor and prosperity of the monarchy.

He continues:

You are made to fear the subversion and the confusion of the different classes of society. But, if you have not the wisdom and the magnanimity of the English barons, in the abandonment of feudal rights, do not fear that the representatives of the nation, in whatever number they may be, will force you to make that sacrifice. They will not begin the exercise of their rights by violence. The primary purpose, the inviolable principles for

¹⁰ Pp. 3-14.

all, will be the conservation of property rights. Do not fear that the people, which is interested only in the equitable distribution of taxes and the assurance of individual liberty, will dispute with you over any of the prerogatives that do not interfere with these two interests.¹¹

To placate the third estate, so it would seem, and to calm the excitement caused by the memorial of the princes, thirty of the forty-three dukes and peers met at the Louvre on December 20 and addressed a letter to the king in which they announced their willingness to abandon their pecuniary privileges, and they added that they had no doubt that all the nobles of France were willing to make the same renunciation. Two days later the Parlement of Paris made a similar renunciation.

Immediately thereafter an *Avis au public* appeared, with the epigraph "Timeo Danaos et dona ferentes." Says the author:

I see in what the peers have just done only an act of rigorous justice. I do not see that it is a rare merit for a debtor to pay a legitimate debt; his honor and conscience dictate this course to him. Such is the offer of these gentlemen to pay taxes. It is true that we are in a country where one is virtuous when one does one's duty, and where an honest man is a remarkable man; but did not the peers fear that the sacrifice which is voluntary today might become compulsory tomorrow and that the refusal to support the public charges like other citizens might become useless and humiliating? For the third estate is surfeited with the oppression of the privileged orders, and the ox, as Voltaire says, begins to perceive that it has horns. . . . Is it not possible that the offer of the peers, under this seducing exterior, covers an adroit and perfidious snare? that their purpose, for example, might be to prevent the holding of the Estates General or to cause the Estates General to be given a vicious organization? . . . After having made before the eyes of the sovereign this parade of generosity, they might say to him: "What is the need, Sire, of assembling the Estates General and thus throwing the kingdom into turmoil and anarchy? The third estate demands an equitable distribution of taxes. Very well. We consent to pay our share. So the Estates General are not necessary." If this language is not favorably received, they might say: "At least, Sire, what is the need of deliberation in common? It is in violation of the old, respectable and sacred forms upon which rests the safety of France and the stability of the throne. The third estate has insisted upon deliberation in common only because it fears that the clergy and the nobility, deliberating and voting separately, would be more obstinate in defense of the pecuniary privileges. But we renounce these privileges. So the third estate has no further reason to demand deliberation in common." But I hear the reader respond that it is not only a question of taxation, but also of laws, administration and the whole political economy. There

¹¹ Pp. 5-II.

are a thousand abuses to be corrected. If changes of so great importance are to be made legally, it is impossible to get along without the Estates General. In order that the Estates General be well organized, all the members must be representatives of the nation, must meet in one chamber and deliberate in common. This form of deliberation is necessary to prevent the motions and demands of the third estate from being defeated by the simple veto of one of the other orders. . . . Even the just distribution of the taxes would encounter the veto. Despite the solemn promises of the peers, these promises do not bind the other gentlemen of the kingdom, for the simple reason that no one is bound save by his own consent, and no one can stipulate for an absentee without having authority to do so. Have we not seen fourteen prelates in the Assembly of Notables in 1787 declare that they were ready to pay their share of the taxes and in the assembly of the clergy in July, 1788, refuse to be bound by their promise? Have we not seen these prelates change their language as soon as they were inside their own corporation? I am not trying to be satirical. I am saying frankly what I think. . . . If we do not have the Estates General organized on a representative basis, the government will degenerate into the most cruel aristocracy.

In January, 1789, the nobility of Burgundy, Languedoc, and Roussillon formally renounced their pecuniary privileges; but this generous action was offset by the behavior of the nobles of Brittany and Franche-Comté, which made it clear that the renunciations were not everywhere palatable. The third estate therefore had ample grounds for being distrustful.

Early in January appeared the *Ultimatum d'un citoyen du tiers état au mémoire des princes au roi*. In this the author indignantly denied the charge made by the princes that the third estate was seeking to destroy the royal authority. "I demand of you an apology for the most criminal imputation that ever came from the mouth or the pen of a Frenchman. Make amends promptly for that atrocious calumny. If you do not hasten to do so, I will cite you before the tribunal of the nation, of all Europe, of the most remote posterity. Recognize openly that there has never been a people more loyal to its king than the French. If you refuse to do this, you do not deserve to be counted among the descendants of Hugh Capet." Then the author runs through the history of France to prove "that voting by head in the national assemblies is as old as the monarchy and is a part of its constitution" and that voting by order was an innovation of the feudal period. "Voting by order in the Estates General is legal, I admit; ordinances and usages can be cited in support of it; but voting by head is constitutional; it has even been practised after the introduction of the other

form, and has never been abrogated." No one can deny then that the Estates General have the right to resume the practice. "But you will perhaps ask me what form of deliberation the Estates General will employ to decide how they should deliberate. I respond that the authority which has already decided that the third estate shall have as many deputies as the two first orders combined can and ought to decide also that the Estates General shall deliberate by head to determine the permanent form of deliberation. This second decision of the king would be no more harmful to the rights of the nation than the first. Indeed it is just and indispensable. When questions of this nature arise, there must be an authority to decide them. Otherwise the sword will decide, as frequently happens in the diets of Poland. . . . There is no middle ground, Messieurs." ¹²

¹² Pp. 19-20, 38-39.

CHAPTER XI

TWO WEEKS OF PAMPHLETS

(December 12-27)

On December 10, the Comte de Fersen wrote from Paris to his father in Sweden: "Everybody here is talking 'constitution,' especially the women, and you know as well as I do the influence that women have in this country. It's a delirium. Everybody is an administrator and talks only of progress. In the antechambers the lackeys are busy reading the pamphlets that appear; every day there are ten or a dozen, and I do not understand how the printing-presses can turn out so many."¹ On January 2, 1789, he wrote again to his father: "Not a day passes but that four or five pamphlets appear. Most of them are full of nonsense or of opinions quite seditious."² For the city of Paris this estimated output may be accepted, I think, as fairly accurate; but it is too low for the kingdom as a whole. There were more than 200 pamphlets published in France between December 12 and December 27. The following may be taken as typical.

In July, 1788, Jérôme Pétion, an obscure lawyer at Chartres, began the composition of a veritable treatise³ upon the abuses of the old régime and upon the reforms to be effected. The pamphlet was finished before the recall of Necker, but publication was deferred until December. Between November 28 and December 12 he added a *Post-Scriptum*, and the pamphlet appeared in print presumably a few days later. Four editions were rapidly issued and spread with profusion throughout the kingdom.

Pétion begins by declaring history bewildering and useless, a subject for the erudite to quibble over. By reference to history, he said, it can be proved that the kings of France were despots from the foundation of the monarchy or it can be proved with equal facility that their power was limited at first and extended afterwards by successive

¹ Klinckowström, *Le comte de Fersen et la cour de France*, I, xlv.

² *Ibid.*, pp. xlv-xlvi.

³ *Avis aux français sur le salut de la patrie* (S.l., 1788. Pp. x + 254).

usurpations. In a similar way historians dispute over the system of land-holding in France, the principles of feudalism, and the origin and the power of the Estates General. Fortunately, however, it was not necessary, he said, to examine what had been done in order to know what ought to be done. An abuse, though a thousand years old, was still an abuse; its long existence did not make it legitimate. The crying abuse of the old régime, he declared, was the absence of an effective barrier between the liberty of the subject and the caprice of the royal minister. The remedy he suggested was a good constitution founded upon the eternal and immutable principles of justice and reason.

Although he discusses the nature and the essential provisions of the new constitution and has much to say about the relative importance of the three orders in the State, it is only in the "Post-Scriptum" that he mentions the specific questions of double representation for the third estate and voting by head:

I do not know whether the opinion advanced by the great majority of the Notables to refuse the third estate a representation equal to that of the other two orders will remain preponderant or not, but it is the delirium of injustice, blindness and imprudence. Posterity will never understand how in the eighteenth century an assembly composed of the élite of the nation, of members respectable by reason of so many titles, could decide that a million individuals ought to have in the Estates General more representatives than twenty-three million useful citizens who support alone almost the entire burden of the taxes. It will never understand how, in order to give a sort of legality and imposing sanction to this culpable extravagance, the privileged classes could base their contention on ancient forms which have changed with the centuries and which, had they been invariable, are no longer respectable and ought no longer to be followed, because an abuse, though ancient, is nevertheless an abuse. The eternal rights of reason and justice are imprescriptible.

But what ought the third estate to do, he asks, if the king, in deference to the opinion of the majority of the Notables, should grant it only one third of the deputies?

I hear the advice on all sides not to go to the Estates General. But let the third estate be on its guard. Not to send deputies to the Estates General would be the most fatal course to pursue; it would lead to the defeat of the third estate and to the triumph of its enemies. On the contrary, let the third estate send deputies to the Estates General; let it protest against the composition and organization, and let it declare that it will not deliberate without being in sufficient number to defend its rights; and, if the two other orders refuse to accede to this demand, from that moment they

are at open war with the third estate and the latter will have nothing else to do but make the best of the situation and repulse hostilities with vigor. The third estate ought to contend that the Estates General thus composed are nothing more than a special assembly of the privileged orders in which the third estate is admitted only with repugnance and for the sake of form; that, being deprived of the most precious and the most sacred right of a citizen, that of deliberating upon the common affairs, it is thenceforth no longer bound to fulfil the obligations attached to that title; that, having no benefices and enjoying no favors, it ought not to support the public charges; that such is the essence of every contract; that in consequence the third estate will pay no more taxes; that it is for those who pretend to form the nation to pay the taxes. If despite these righteous protests, the privileged orders continue to meet, the third estate must continue to be present at the meetings and continue to protest until the dissolution of this illegal committee. In all the provinces, the third estate must cease to pay taxes. There is no force capable of overcoming this force of inertia. . . .

If the third estate is granted the number of representatives which it demands, it must not become blinded by the confidence which its forces give to it and enter into imprudent engagements with the other two orders. It ought to begin by proposing to them a treaty of alliance and to develop all the advantages that would result from this intimate union for the common safety; but it ought to demand of the clergy and the nobility, as sure and inviolable pledges for the execution of their engagements, the destruction of those odious privileges which create schism and discord among the citizens of the different classes of society; to represent to them that it is not to enrich the royal treasury that the third estate solicits a contribution more ample and more equitably distributed on the part of the privileged classes, nor does it intend to remain a victim to the rapacity of the fisc; but on the contrary, by a unanimous concert, it intends to erect stronger barriers against the enterprises of the government and to take refuge from arbitrary authority under a better and more substantial constitution.

The article on privileges then ought to be the first with which the third estate should occupy itself, and its future conduct ought to depend on how that question is decided. If privileges are proscribed, the national assembly will be only a great family bound together by the same interests and animated by the same sentiments and spirit. There will be but one order, and the third estate can take its place in that order with full confidence. But if privileges are maintained, the third estate can be sure that it is betrayed; that, far from wishing to alleviate its lot, one is trying to tighten its chains; that, after such a crying injustice, it has nothing to hope for from the privileged classes; that they wish to sacrifice it to their ambition. Its only refuge would be to join the party of the Court, for it would be better to be governed by one sovereign than by a hundred aristocrats. The revolution would not be accomplished, it is true; but it would be the memory of those unjust men which would remain dishonored in the eyes of posterity.

The *Mémoire pour le peuple français* by the Abbé Cérutti, an Italian by extraction and an ex-Jesuit by profession, was composed while the Notables were in session and published on or before December 17. With clarity and felicity of expression and with ample references to Greece and Rome, the author answers ten questions relative to the current issues of the day. He denied that either the Estates General of 1614 or those of an earlier date could be called legal. Those of 1614, he said, were convoked by Marie de Medici and the Maréchal d'Ancre for selfish purposes. Deputies displeasing to the Court were driven away and those who were allowed to attend did not represent the nation. The parish priests and the common people had few defenders there. The deputies arrived with obstructions rather than instructions, with laws already made rather than laws to be made. The assembly accomplished nothing because of ridiculous contests, absurd protests, and disputes over precedents. The earlier Estates General varied with the dominant interest of each century. The army composed them under the first dynasty, the church dominated them under the second, and the people was called to them under the third. After 1302 the third estate sometimes had as many deputies as the other two orders combined; sometimes the votes were counted by order and sometimes by head. Can forms that have constantly varied according to the circumstances of the time, he asked, be called legal?

Cérutti looked with favor upon the bicameral system of the English Parliament. If this system should be adopted in France, he said, there would be no reason to fear that the third estate would seek to dominate the other two orders or to abolish social distinctions, because the members of the third estate all aspired to become nobles themselves or to leave patents of nobility to their children. "You are the elder sons of the national family," he thus addressed the privileged orders. "Keep your birthright and the honors that go with it; but do not disinherit, do not dishonor the innumerable and modest throng of your inferior brothers. Do you fear their invasion? They will invade only when they are despoiled."

It had been urged, he continued, that the next Estates General be convoked and composed in accordance with the form observed in 1614 and left free thereafter to make such changes of form and composition as the circumstances required. What if they retain the illegal and absurd form of 1614? What if the provinces decline to abide by this form? What if the people should raise a million complaints and per-

haps a million swords against the first two orders? What if—but he wished only to convince, he said, and not to frighten.

Cérutti's pamphlet went through two editions in less than two weeks. At the head of the second edition appeared a reply to the memorial of the princes, drafted in the form of a discourse addressed *à la mémoire auguste de feu monseigneur le dauphin, père du roi*, in which the shades of the late dauphin were invoked to bear witness that the third estate was not engaged in a conspiracy against the nobility, the clergy, and the magistracy. "Excluded from the brilliant employments of the army," he wrote, "it is only permitted to die there; excluded from the high dignities of the church, it is only permitted to labor there; excluded from an equal share of the legislative authority, it is only permitted to pay on its knees. Such is the conspiracy of the third estate. Here now is that of the privileged orders. The king called them twice around him for consultation upon the interests of the throne and the nation. What did the Notables do in 1787? They defended their privileges against the throne. What have they done in 1788? They have defended their privileges against the nation. . . . They talk with disdain of the new pretensions of the third estate. What are these new pretensions? To have for its defense an arm equal to that which has crushed it for centuries; to treat as an ally with the two orders which treat with it as despots; to hold half the balance while it supports almost alone all the weight of the burden and all the weight of the chain. . . . Are eternal rights new pretensions? . . . They say that the nobility would feel itself degraded if it should appear on equal terms with the third estate. What! Five or six hundred thousand men would feel themselves degraded to appear on equal terms with twenty-four million? Then Dauphiné, which has given the magnanimous example of this just equilibrium, has degraded its nobility. Then France, which during two centuries had this equilibrium, has degraded the nobles for two hundred years." Then Charlemagne degraded his paladins. Then the Roman patricians were degraded when they mixed in the forum with the people. Then philosophy and religion, which teach the brotherhood of man, proclaim the degradation of the privileged orders.

"One can not too often repeat," he says in this same edition of his pamphlet, "that there can exist no veritable Estates General if the third estate is not equal in number to the other two orders combined and if the three orders do not deliberate together. These two demands

are denounced as if they were new and monstrous; but it is easy to prove that they are authorized by more than one historical precedent." But after all, he says in another place, "it is not a question of ancient form or modern form, but of a salutary form. It is the welfare of France and not her archives that it is necessary to consult. . . . Let us not go back to early centuries but to eternal principles."

An anonymous pamphlet entitled *Principes sur la constitution de la France et des états généraux* was composed while the Notables were in session and published probably in December. Says the writer:

It is certain that the distinction of orders is a result of the feudal régime, the spirit of which was to separate and isolate everything. Each province, each county, each petty seignior had its particular laws independent of the others, like an independent state. Even the laws of the sovereign could be enforced only in his own domains and seigniories; the lands of his barons enjoyed special immunities. The national assemblies which took place at the period naturally partook of the character of the feudal system. Each order was isolated and intrenched behind its special prerogatives, and the bond which should have united all the citizens was broken.

It is upon this absurd principle that one wishes to establish this division which is causing all the trouble today. One says: "It is hallowed by usage and sanctioned by the ancient law of the nation. All the Estates General have been convoked and composed in this form." Yes, since a certain epoch; but not under the early monarchy, as you shall soon see. But admitting for the present that what you say is true, what is the result? An abuse. But an abuse is not a law; nothing can make it legitimate. Certainly there was never a constitution so abusive and absurd. The proof of this is found in the fact that all the Estates General of the feudal period never legislated upon anything, but passed their time in dissensions and altercations, and separated without having accomplished anything for the welfare of the nation. The liberty of the nation suffered in consequence. The kings profited by the occasion either to make themselves masters of the Estates General or to cease convoking the Estates General on the pretext that they were of no use to the State.

He continues:

If despite these inconveniences you insist on retaining the distinction of orders, remember that their rights must be equal, that each must have a separate administration and be free to treat separately with the sovereign concerning taxation, and that each will have to safeguard its own interests against the interests of the other two orders. Each will have to have its own treasurer and other officials. Since the clergy already enjoys these privileges, they can not reasonably be denied to the other two orders, and, if denied, they can not reasonably be retained by the clergy. The advocates of the distinction of orders can not escape from this circle.

Furthermore he asks :

What will happen if you thus permit each order to have its own administration and freedom of action? You will change the nature of our government, making of a monarchy a federal republic. For our customs and form of government you will, in other words, substitute anarchy. Why do you wish to restore this constitution which originated when government was at the lowest point of degradation and the nation was, so to speak, destroyed beneath the feudal régime?

By going back to earlier times, we shall find the pure source of our constitution. We can reestablish it as it was under Pharamond and Clovis, before the existence of the clergy. In those olden times, the nation in its assemblies formed but a single body. The great nobles were there, but not as a separate or privileged order. They enjoyed personal distinctions because of their services near the prince, but their rights and those of the people were absolutely equal. This system was continued under Pepin and Charlemagne and some of their successors. The ecclesiastics, when they were admitted to the assemblies, did not appear there in order to dominate or to occupy the first place. The sanctity of the lives of the great prelates who then adorned the church, their enlightenment and the spirit of charity which they displayed toward their fellow-men made their presence desirable in the great assemblies, to harmonize the different interests that were discussed there. They claimed at first no rights or privileges distinct from those enjoyed by the rest of the nation. Such distinctions as "orders," "estates" and "corporations" were not known until the times of anarchy which desolated the nation under the second dynasty and engendered the confusion of the feudal régime and all the troubles that followed.

He concludes :

It is evident then that the distinction of the three orders has not always existed in France, that this abusive constitution originated at a time when the true principle of government was destroyed, that our veritable constitution is to have assemblies formed of the nation, and that it is the only constitution admissible, not only because it is our primitive constitution, but because it is in conformity with the spirit of every good government.

In the end the writer advocated the convocation of a preliminary assembly of five or six hundred deputies chosen without regard to population, taxation, or the distinction of orders. The same number of deputies would be sent by each province (cf. the Senate of the United States of America), but when once assembled the deputies would all be representatives of the nation and not of the provinces. This preliminary assembly would discuss and determine the form of the next Estates General.

After the close of the Assembly of Notables, Target published a *Deuxième suite de l'écrit intitulé: Les états généraux convoqués par*

Louis XVI. Although the pamphlet lacks felicity and clarity of expression, the author managed by dint of repetitions to get at the heart of the matter. Grant the third estate, he says, at least half of the deputies and the Estates General can deliberate either by order or by head; but grant the third estate only one third of the deputies and the Estates General can deliberate only by order, for without an influence at least equal to that of the privileged orders combined the third estate will refuse absolutely to deliberate by head. Thus, in that case, the Estates General, though no one denies them the right to deliberate as they please, would be constrained to deliberate only by order.

Since organization and life, he continues, are necessary to action, the Estates General will have to begin by deciding how they are going to deliberate:

It is evident that this preliminary question can not be decided by counting the votes by order. . . . Suppose that two orders are in favor of voting by order. The veto of the third order will put an insuperable obstacle in the way. Suppose then that two orders are in favor of voting by head. The veto of the third order will block all proceedings. Thus your Estates General, stopped at its first step by the vice inherent in their previous constitution, will deliberate neither by order nor by head, but will disband after having given Europe the vain spectacle of the most ridiculous assembly that ever was. Escape from that if you can.

It is then natural, reasonable and necessary that the deputies first decide on the form and organization of the Estates General in an assembly which represents the nation and which gives a positive result by a majority of the votes. The question can not, nor should it be, decided in any other way.

In a pamphlet entitled *Observations*,⁴ a certain M. de Ladebat of Bordeaux recommended that the Estates General be composed of 500 deputies distributed among the three orders on the basis of the amount paid by each order in direct taxes. The total sum paid in France, he said, was 224 million livres. The clergy paid 11 million and the nobility about 22 million; but he generously added to these sums the *taille* and the *corvée* paid by the farmers on the lands of the clergy and nobility. This raised the sum paid by the privileged orders to 63 million livres—21 million paid by the clergy and 42 million paid by the nobility. According to this ratio, the clergy should have forty-seven deputies, the nobility ninety-four, and the third estate 359. But

⁴ *Observations lues à MM. les représentants du tiers état de la ville de Bordeaux, le 12 décembre*, par M. de Ladebat, directeur et commissaire-député de l'académie des arts (S.l., 1788. Pp. 28).

he thought the number of taxpayers should also be taken into account. There were in France, he estimated, no fewer than four million taxpayers. Of these only about 185,000 were members of the privileged orders. So, according to this ratio, the privileged orders combined were entitled to only twenty-three deputies. Had he taken population instead of direct taxation as the basis of representation, he said, the ratio would have been 1 to 70. Was it right, he asked, for such a small and unimportant group of individuals to have the power to dictate the law to 24,326,000 Frenchmen?

To support their preposterous demand, he said, the privileged orders made a great display of research into the annals of France. The third estate had no annals to investigate, but it could read its titles clear in the rights which Nature had graven in the heart of every free man. Nothing could prescribe against reason and justice.

The third estate, he continued, was the nation itself. It cultivated the fields and carried on the commerce; it peopled the armies and the fleets; it founded the colonies and increased the wealth and the bounds of the French empire; it wrote the books, painted the pictures, and exercised all those useful arts so necessary to the comforts of life; and it paid nearly all the taxes. With all these honorable functions to its credit, could it be condemned to silence in an assembly which purported to be national?

The demand of the third estate for a double representation, he thought, was too moderate; if granted, it would give the third estate only the appearance of equality without the reality thereof. In consequence, he recommended as a maximum concession that the deputies be distributed in the following proportion: one to the clergy, two to the nobility, and four to the third estate.

Another writer says: "To the third estate are due the commerce and industry by which the kingdom is enriched. It has created the sciences and the arts and raised them to a degree of perfection which has shed more luster on France than her victories; it has been invested with honorable charges and has entered the most distinguished professions; it has had its share of the decorations and dignities; it is allied with the greatest names, and from it have arisen powerful and illustrious houses; and in our day, the upper classes of the third estate are not inferior to the nobility in education, sentiments, intelligence or any other kind of merit. Why then should we put, between this order and the two others, such a prodigious difference?" Never, in his opinion, would the third estate tolerate anything less than the

double representation. "If the opinion which has prevailed in the Assembly of Notables upon this question becomes the rule of the government," he said, "it will most certainly be the signal for a general insurrection of the third estate and the subversion of the kingdom."⁵

The author of a pamphlet entitled *Avis d'un Champenois* writes:

No motion coming from the third estate will be adopted by the two first orders, not even the most indifferent. They will seize every occasion to disgust the third estate with active participation in public affairs and reduce it to the sole function of accepting or refusing the projects of the aristocracy. All the popular demands will then be rejected. The privileged orders will sooner or later consolidate their aristocracy, with the consent even of the third estate. Whether two legislative chambers could do better than, or as well as, or would be worse than, a single chamber is not what I am discussing; but history attests that three chambers have never succeeded. It is principally to the three French chambers and the four Swedish chambers that France and Sweden ought to attribute the loss of their liberty. The energies of the State have not been directed to the same end. While the English, united by the common interest which the Great Charter gave them, were each day consolidating their government, our fathers, divided among themselves, were opposing only a useless resistance to the progress of arbitrary power.

He continues:

Beware of the snares laid at your feet. Already, to deceive you, some of the nobility are offering you the abolition of distinctive imposts; but do not lose from sight the fact that these imposts which humiliate and overwhelm you are the product of the inevitable preponderance of two against one. This preponderance is the cause; the distinctive imposts are the effect. Remove the cause and the effect will disappear. On the contrary, if the privileged classes retain this preponderance from which they have so long profited to your shame and ruin, a day will come, and is not far distant, when they will recover, one after the other, all the privileges of which they offer to make the sacrifice with such bad grace. Sooner or later they will make use of that fatal preponderance which you have imprudently left them to return to the old system.

In a pamphlet entitled *Les principes du gouvernement simplifiés et réduits à sept unités naturelles*, a writer has this to say:

The first transaction of the Estates General should be the union of the three orders and deliberation by head. If the privileged orders refuse to unite with the third estate, the latter could and should hold the Estates General alone with such of the clergy and nobility as would enter this just, reasonable and absolutely necessary union. This power and this right are deduced from the following verities: The deputies of the three

⁵ *Observations sur le vœu des notables* (S.l., 1788), pp. 4, 14-15.

orders are the representatives of three separate, distinct and opposing interests. The deputies of the clergy represent the anti-monarchical and anti-social interest of that order and are not commissioned to act for the nobility or the third estate. The deputies of the nobility represent only the anti-monarchical and anti-social interest of the aristocracy and are not commissioned to act for the other two orders. Then the deputies of the privileged orders can not, in the assembly of the nation, represent the interests of the king and the third estate. The deputies of the latter are commissioned to act for twenty-three twenty-fourths of the nation. . . . Then the deputies of the third estate have the right and the power to hold alone the Estates General, if the privileged orders refuse to enter the union. Since the votes are to be counted by head in the national assembly, the deputies for each order ought to be in the following proportion: one for the clergy, two for the nobility, and three for the third estate.

Says another writer :

The ecclesiastics and nobles do not form more than one twenty-fourth part of the nation. The nobles do not possess a fourth of the land of France and the clergy are not properly speaking proprietors. The clergy as a corporation possesses property, but the individual ecclesiastics are only tenants for life. The clergy has its individual assemblies, an advantage which the third estate does not have. The clergy and the nobility pay only a small part of the general taxes. How then can the privileged orders justify their demand for a greater number of deputies than the third estate? . . . The third estate is the nation. Destroy by supposition the 400,000 individuals of the two first orders, and the king will still be a great king; France will still be the most populous, the most fertile and the most flourishing kingdom in Europe; but destroy the 23,600,000 members of the third estate and there will be no longer a king, a kingdom or a nation. . . .

By whom was Pharamond proclaimed king? Not by the priests and nobles, for there were no priests and nobles at that time. It was by the people. The kings afterward created priests and nobles. . . . It is in vain that the defenders of the privileged orders cite with emphasis what has formerly been; in vain that they allege the non-opposition of the third estate to its past debasement. One does not prescribe against the rights and honor of the nation. If we are subjects of a monarch, then no more aristocracy for us. . . . As to the present, I think it fitting to give the privileged orders together as many deputies as the third estate, with the understanding, however, that the third estate reserves the privilege of demanding its full and just rights at the meeting of the Estates General.^a

A liberal, the Marquis de Casaux, wrote :

Let us admit for the sake of argument that the Estates General should be composed of 300 deputies of the clergy, 300 of the nobility, and 600 of the third estate, and that they should deliberate by order. How many thou-

^a *Plan pour la formation des états provinciaux de la Lorraine et du Barrois, et pour l'élection des députés aux états généraux* (S.l., décembre 1788), pp. 10-14.

sands of people in all the provinces will see, will say, will publish that the 600 deputies of the third estate will have only one vote and that the 600 others will have two. Now in all the countries where there is any idea of Christianity and nobility, to set up two against one is certainly neither Christian nor noble. But the *American*⁷ naïveté is strangely embarrassed to discover how to characterize this procedure, when it observes that the vote of the 600 deputies of the third estate will express the sentiments of 23,000,000 individuals and that the votes of the privileged orders will express the sentiments of only 700,000 or 800,000.

He continues:

If deliberation is by order, the *liberum veto* of the non-privileged classes, this admirable palladium of their property rights, will protect them without doubt; but it will stop everything; the Estates General will be very justly dismissed because of its inertia; bankruptcy will follow, and the highways will be covered with unfortunate people reduced to rob and murder in order to escape starvation.⁸

Le tiers état au roi purports to have been written at Rodez on December 20, 1788, by a certain Louchet. Says the author:

It is not, Sire, in the *procès-verbaux*, which testify only in favor of force and usurpation, that it is necessary to look for the composition of the Estates General of your kingdom. It is in reason. It is in the population and in the proportional possessions of the three orders. It is repugnant that an order composed of 80,000 individuals, with a revenue of 110,000,000 livres, be at the Estates General equal in number to an order composed of 24,000,000 individuals with a revenue of 490,000,000 livres. . . . The great superiority of our numerical strength and the almost double extent of our possessions authorize us to demand that our deputies form at least two thirds of the Estates General. But this demand, if granted, would tend to give us the preponderance, which would not be just, and we wish only to obey the dictates of justice. We are therefore content, Sire, to demand that our deputies at the Estates General be equal in number to those of the clergy and nobility combined.

In a footnote he adds:

They pretend to reassure us with the veto, as if the experience of many centuries does not prove this illusory. Who does not perceive that, if the clergy and nobility form two thirds of the Estates General, they will have a major influence there? To think otherwise would be to display ignorance of the human heart. Common privileges, ties of blood, continual intercourse—all bring the two first orders close together and unite them against us. Finally the decisive response to the veto is this: If it safe-

⁷ He refers to himself as an American because he owned property in the French West Indies.

⁸ *Quelques idées sur les grandes questions du moment* (S.L., 1788), pp. 19-20, 29.

guards our interests, it also safeguards the interest of the clergy and nobility who already occupy the high places, possess the greatest fortunes, and have favors and boons to distribute. We demand that they compose half of the Estates General and we the other half. What can they fear? Only a diminution of influence, only the reëstablishment of the equilibrium.

In December appeared a *Catéchisme du tiers état à l'usage de toutes les provinces de France et spécialement de la Provence*. It went through at least two editions and may have been widely distributed. Its character may be judged from the following extract:

Question. Who are you? *Response.* A *manant*. *Q.* What is a *manant*? *R.* A man, a citizen, a member of the third estate. *Q.* What is the third estate? *R.* The foster-father of the State and its most generous defender. *Q.* How is it the foster-father? *R.* By reason of the agriculture, the commerce and the arts which it alone promotes for the benefit of all. *Q.* How is it the most generous defender? *R.* By devoting itself to everything, by sacrificing everything, without other remuneration, without other hope than five sous, the hospital, and death. *Q.* Do not the two first orders make any sacrifices? *R.* They ought to, at least from justice and gratitude. They are the wealthiest proprietors; they have all the distinctions and all the favors. *Q.* But do they not pay any taxes? *R.* Very little—so little and with such bad grace, with so many restrictions as to amount to none. *Q.* But tell me, how much do they pay? *R.* About one twentieth of their revenues which they can easily spare from their superfluous wealth, while the third estate, though hard pressed and exhausted, pays a third of its revenues and is most often obliged to spare it from the absolute necessities of life. *Q.* But the two first orders have privileges. *R.* No; not that of being unjust and cruel. Injustice was never a title. *Q.* Their privileges come from so far back. *R.* Yes, but a little further back still and we were equals, we were brothers. If there exists a line of demarcation between them and us, it is not the work of time, still less that of nature; it is that of cunning and force.

And so the dialogue continues for twenty pages.

A pamphlet entitled *Jugement impartial sur les questions qui intéressent le tiers état*, by Ducloz du Fresnoy, syndic of the company of notaries at Paris, is distinguished by its advocacy of a compromise. According to law, says the author, the votes in the Estates General should be counted by order, but under the circumstances the following procedure might well be adopted: All questions concerning legislation and administration in which the interests of the third estate coincide with those of the privileged orders might be decided by counting the votes by order; but when the Estates General deliberate upon the nature, the assessment, and the distribution of taxes and

upon the laws and regulations concerning the liquidation of the State debt, the three orders might name delegates, those of the third estate being as numerous as those of the clergy and nobility combined, to deliberate together and decide all such questions by counting the votes by head.

Pamphlets in defense of the privileged orders were neither numerous nor important, but each month saw the appearance of a few. On December 10 a "provincial gentleman" addressed a pamphlet "*à la noblesse de France*," in which he said: "The right to vote by order in the Estates General, each order having one third of the deputies, is the most precious property of the clergy and nobility. It is their most just and most necessary right, for the loss of it would entail the loss of all their prerogatives. When there are rival orders in the State, the one that has the greatest number of votes will destroy the rights of the others."

A poorly printed pamphlet published at Dijon bears the seductive title of *Observations d'un membre du tiers état*. The author declares: Privileges are based on prejudice, but this prejudice is in turn based on custom and respect for ancestors. Without suppressing privileges altogether, would it not be possible to modify them to the satisfaction of all concerned? The clergy and the nobility are willing to surrender their pecuniary privileges. Why not let them do so voluntarily? Then the third estate would not need a double representation but only the veto to safeguard its interests. The three orders would deliberate separately and draft a constitution for the kingdom.

Each of them, considered as passive, can not be victimized, and, considered as active, will be constrained to look for what will be most advantageous to the other two. Where can a better organization be found? If the third estate is given the double representation, what will happen? We have on one side the privileged and on the other side the non-privileged, both in equal number. How will the votes be counted? By head? Then you will make the fate of the third estate depend entirely on a single man who may sell his vote.

In an *Avis au tiers état*, a conservative writer addresses his opponents in the following strain:

Let us enter into conference, gentlemen of the third estate. What do you demand? "Half of the representatives in the Estates General," you reply. I beg your pardon a thousand times if I take the liberty to tell you that your demand is indiscreet and that it is not to your advantage to obtain what you demand. Are not ten good heads preferable to two or three hundred hot heads who would only make an uproar and decide nothing?

In the present crisis, presence of mind is needed, not noise. In the national assembly let each of the three orders have one third of the votes; let two be unable to decide anything against the will of the third. This is the true secret of preserving for each order its respective rights. But you have sworn to destroy the privileged orders by taking away from them their only means of protection. Does the third estate wish, like an absolute master, to dictate the law and change the monarchy into a democratic government? I prefer to believe that these ideas of your hare-brained orators are the antipodes of your sentiments. Again you say: "Deliberation by head and not by order." That is to say, without head and in frightful disorder. Do you wish the assembly hall to become a battlefield or a cut-throat place where the violent and stubborn man would substitute the cutlass for reason in order to make his opinion prevail?"

During the latter half of December a Breton wrote:

We used to exert ourselves to the uttermost to show our love and respect for the laws and for the old constitution. Today one wishes to persuade us that they are vicious and prejudicial to the third estate, which, though much more numerous than the other two orders, does not have a sufficient influence in the deliberations of the Estates General. This influence, one tells us, ought to be equal to that of the other two orders combined in the proportion indicated by Dauphiné; and besides one wishes that the votes be counted by head and not by order, always after the example of Dauphiné. I am not astonished that this province, which lacks experience in national assemblies, does not perceive how much it has lessened its vigor and fettered its liberty by consenting to deliberate by head and not by order. It has let itself be deceived by this natural objection, that when deliberation is by order there can be only three votes and that two votes will always be opposed to one, because the clergy and nobility, having always the same interests by reason of their blood relationship and the nature of their privileges, will always unite their votes to dominate the third estate and, as a consequence, to crush it under the weight of the public taxes in order to exempt themselves. This objection is plausible only to those who do not know the forms; but in Brittany I do not understand how one can be deceived. Every demand of the king, every imposition, the *dons* and the *gratifications* of whatever nature, the general regulations concerning the constitutional forms of the Estates General, etc. can never be valid without the formal concurrence and consent of the three orders. If one order is opposed, there is no decision. In this respect, there is no privilege among the orders; the liberty is absolutely the same for all; each has the veto. This veto, which has been singularly ridiculed in many of the pamphlets which inundate us, is the safeguard of each of the orders against the other two.

For example: the third estate is subject to the *fouages*, a tax similar to the *tailles* in the other provinces. It can refuse its consent to the *fouages* unless they are assessed upon all the lands, noble as well as *roturier*. Then this tax would become illegal. The third estate is likewise subject

to the quartering of troops. It can refuse its consent, and the quartering of troops on it would become illegal. The same with every other imposition. None could be imposed without the formal consent of the order affected. But if, as the third estate demands, the ancient form is changed and deliberation by head is adopted, the third estate will be subject to inconvenience. Suppose that the third estate is granted as many deputies as the clergy and nobility combined. Then suppose that the quartering of troops, for example, is up for decision. The clergy and nobility do not wish to be subject to it but they will unite their votes in favor of it because they know that they can escape it themselves and impose it on the third estate. Though the deputies of the third estate will all vote against it, the vote of the presiding officer, who will always be a noble or an ecclesiastic, will be in favor of it. Thus the preponderance of the president will be cast in the balance against the will of the third estate. The same with every deliberation in which the clergy and nobility are in accord. Thus the third estate, instead of procuring for itself a greater influence in the Estates General, will lose a part of that which it formerly had under the old constitution.⁹

Such were the more important pamphlets published during the last fortnight of the year. A close perusal of them reveals the third estate groping for a program of action. If thwarted in its hopes for an assembly truly representative of the nation, what could the third estate do? It could send deputies who would, however, refuse to deliberate except in common or to vote except by head; it could refuse to pay any more taxes; in conjunction with the patriotic members of the privileged classes, it could declare itself the national assembly and defy the government. Indeed the program which the third estate actually followed in May and June, 1789, was foreshadowed here. What would Necker and his colleagues do in the presence of this menace?

⁹ *Lettre impartiale d'un breton à un extra-provinciale, sur les vrais intérêts des trois ordres en Bretagne (S.l.n.d.)*, pp. 4-9.

CHAPTER XII

THE *RÉSULTAT* AND *RAPPORT* OF DECEMBER 27

By November 10 it was evident that the majority of the Notables were opposed to the double representation for the third estate. From this time on, according to Madame de Staël,

M. Necker studied constantly the public feeling as the compass which, under the circumstances, ought to guide the decision of the king. All the official reports from the country were positive in regard to the necessity of granting the demands of the third estate, for the party of Simon-pure aristocrats was, as it had ever been, far from numerous; many of the nobility and clergy of the class of curés had gone over to the public opinion. The province of Dauphiné assembled, at Romans, its ancient estates, whose meetings had long been discontinued, and admitted there, not only the doubling of the deputies of the third estate, but voting by head. A number of officers of the army discovered a disposition to favor the popular wish. All, whether men or women, who in the higher circles exercised influence on public opinion, spoke warmly in favor of the national cause. Such was the prevailing fashion; it was the result of the whole of the eighteenth century; and the old prejudices which still favored antiquated institutions had at that time much less strength than at any other period, during the twenty-five years that ensued. In short, the ascendancy of the popular wish was so great that it carried along with it even the Parlement of Paris.¹

Accordingly, less than a week after the recommendations of the Notables had been submitted, Necker read a memorial to the king in a private conference, at which Montmorin was the only other minister present, urging the necessity of giving to the third estate the double representation. The king, naturally hostile to innovations, expressed a desire to hear the question discussed in his presence by small groups of ministers prior to the general discussion and decision in his council. So it was arranged that he should hear his ministers four at a time. Necker and Barentin were to be present at each conference, the former as author of the memorial under discussion and the latter as head of the department to which the Estates General appertained. The other

¹ *Considérations sur les principaux événements de la révolution française* (Paris, 1820), I, 179.

members of the royal council were to appear in rotation, two at a time. For about a week the conferences continued.² "The king, present at each of these committees, did not manifest the least sign of impatience," wrote Barentin, "although the sessions lasted from four to five hours, and at each the same things were repeated for the benefit of the two ministers who were always new. Often the king himself made observations, but it was impossible to surmise what his opinion was."³

It was Barentin's opinion that no change should be made in the traditional form of convocation. "I did not dissimulate my fears," he wrote, "that the double representation of the third estate would lead to the vote by head, which would destroy the distinction of orders and nullify the veto consecrated by the ordinances of 1355 and 1356 and by the Estates General assembled at Orléans in 1560. Such a system would be fatal to the monarchy and the authority of the king. . . . The third estate thus fortified would form a dreadful colossus whose empire would soon be despotic." But seeing that more than half of his colleagues were inclined to favor the double representation, Barentin at length proposed a compromise: That the writs of convocation be issued in the customary manner, calling for the election in each bailiwick of "a deputy of each order," but that certain cities of the kingdom, by reason of their population and importance, be permitted to elect additional deputies for the third estate. Assuming that the clergy and the nobility would each have 300 deputies, the third estate might thus have 400 or 450. This would not be a derogation from ancient usage, he said, for the third estate had always had, in actual practice, a few more deputies than either of the other two orders.⁴

For two or three days, so it would seem, Necker considered the possibility of accepting this compromise as a solution of the problem. Thus we read in the "letter from Paris," published in the *Gazette de Leyde*: "In the conference held last Sunday, December 21, the writs of convocation for the Estates General were finally agreed on. . . . If nothing is changed in the present dispositions, each bailiwick will send the same number of deputies for each order; but to thirty-six

² *Mémoire autographe de M. de Barentin* (Paris, 1844), pp. 62 et seq. Cf. Necker, *Hist. de la rév. fr.*, I, 88-89; *Sur l'administration de M. Necker par lui-même*, p. 48.

³ *Mémoire autographe*, pp. 71-72.

⁴ *Ibid.*, pp. 64-66.

'good cities,' that is to say, thirty-six of the largest cities of the kingdom, has been conceded the right to send additional deputies by reason of their population, which will increase the representation of the third estate by one hundred."⁵ In support of this affirmation we have the following from the pen of Lally-Tollendal:

His [Necker's] perplexities reached this point, that he had in his cabinet a printed report in which he refused the double representation to the third estate, only giving to certain large cities the satisfaction of electing a larger number of deputies than formerly. We have this bit of information, hitherto unknown but incontestable, from the Archbishop of Bordeaux (M. de Cicé). He has told us twenty times that he saw this report, that he approved of it and that, on departing for the country, he left it in the cabinet of the minister; but that, on his return to Paris on Christmas Eve, he found everything changed. M. Necker said to him: "We are no longer strong enough to refuse them the double representation; we have got to give it to them."⁶

What had happened during the archbishop's absence from Paris seems to have been this: On or about December 23 Necker, conscious of the increasing pressure of public opinion, announced to his colleagues that he could not accept Barentin's compromise. The dark shadows of disappointment that came over the faces of some of the ministers may well be imagined. After a while Villedeuil suggested the possibility of postponing the Estates General indefinitely, pending the subsidence of the popular effervescence. The Estates General, he said, were to be convoked for only one purpose, namely, to balance the budget. The peers, on December 20, had formally renounced their pecuniary privileges; the Parlement of Paris, on December 22, had followed suit; and this sentiment was general throughout the kingdom. So the task of balancing the budget would be easy. For this purpose the king needed only to convoke "an assembly of the nation without distinction of orders," chosen by himself from the élite of the clergy, the nobility, the magistracy, and the third estate. Such an assembly, thus chosen, would be much more satisfactory than the Estates General elected in a haphazard manner, perhaps by intrigue and cabal; and this plan, if adopted, would obviate the necessity of having to decide whether the third estate should have the double representation or whether the votes should be counted by head. With taxation equi-

⁵ *Gazette de Leyde* (1789), No. 1.

⁶ Art. "Necker" in *Biographie universelle* (Michaud). Cf. Dorset to Carmarthen, December 25, in Browning, *Despatches*, II, 130-131.

tably distributed, popular effervescence would soon subside and the Estates General be forgotten.

Barentin wrote:

This suggestion, presented in a persuasive manner and supported by clear reasoning, made upon the king a profound impression. MM. Necker and Montmorin, perceiving this, lost not a moment in rejecting the plan. According to them it was no longer a question of deciding whether the Estates General should be convoked or not, or whether some other form of assembly might be preferable. The Estates General had been promised by the king, and the words of sovereigns are sacred; never should they permit themselves to recall a promise made to their subjects. This observation had the success that the two ministers expected. It triumphed over the irresolution which the king was beginning to manifest. He did not hesitate long. The proposition was rejected.⁷

On December 26 the ministers met in full council with the king at the head of the table. Contrary to precedent, the queen was also present. Whether this was the council of state, as Necker calls it, or the council of despatches, as Barentin insists, is a matter of small moment. To this group Necker read his memorial, now revised and amplified, in support of his recommendations. After the reading, many objections were raised; but, for the most part, Necker stood to his guns. Barentin wrote:

The discussion was very lively, each minister believing that the fate of the monarchy depended on the acceptance of his opinion. M. Necker and M. Montmorin redoubled their cunning; they reverted to the mischief imputed to the clergy and nobility at the time of the May decrees and contrasted this with the obedience of the people. "The experience of the past," they said, "is sufficient to throw light on the future. The royal authority has everything to fear from the two powerful bodies; it has everything to gain by allying itself with the people; the smallest favor is sufficient to bind the people to the crown." These words made a deep impression on the king and queen, both of whom entertained prejudices against the clergy, the nobility and the magistracy.⁸

Though the royal council was always held behind closed doors, in the court of Louis XVI few secrets of state could long be withheld from the interested public. One had but to move among the throng of courtiers or consult a minister to obtain the latest information. The Saxon envoy, therefore, was probably reporting something more than mere hearsay when he wrote: "In the council held last Friday, Decem-

⁷ *Mémoire autographe*, pp. 67-69.

⁸ *Ibid.*, pp. 72-73.

ber 26, M. Necker declared that he saw no other way to go forward than by conceding the just demands of the majority of the nation; that after the drop in the value of the public securities due to the memorial of the princes, credit would be completely destroyed if this memorial should be allowed to influence the decision of the council; that, in that case, bankruptcy would become inevitable and he would be obliged to retire as a protest against the dishonor of the government."⁹

This was in all probability the decisive argument; the services of Necker could not easily be dispensed with. So, at the session held on December 27, the king, having heard and understood all, was ready to express his will. "Nevertheless," wrote Barentin, "he wished to take a vote. M. de Villedeuil and I remained firm and voted in the negative; M. de Nivernois was less firm—like the good courtier that he was, he made no positive announcement; M. de Puységur wavered; the king decided in favor of the double representation. . . . The queen kept the most profound silence, but it was easy to see that she approved the decision."¹⁰

In this manner was determined the *composition* of the Estates General. There were four important articles in the decree:

1. "That in the next Estates General there shall be at least a thousand deputies;
2. "That this number shall be apportioned among the bailiwicks in accordance, so far as possible, with population and taxation;
3. "That the third estate shall have as many deputies as the other two orders combined and that this ratio shall be established by the writs of convocation;
4. "That these preliminary decisions shall serve as the basis for the necessary work of preparing without delay the writs of convocation and the supplementary regulations."¹¹

For some reason not quite clear this decree was given the novel appellation of *Résultat du conseil d'état du roi*, and the customary pre-

⁹ Flammermont, *Les Correspondances des agents diplomatiques étrangers en France avant la révolution, conservées dans les archives de Berlin, Dresde, Genève, Turin, Gênes, Florence, Naples, Sanancas, Lisbonne, Londres, La Haye et Vienne* (Paris, 1896), p. 227. Cf. *Gazette de Leyde* (1789) No. 2.

¹⁰ *Mémoire autographe*, p. 73. Cf. Necker, *Hist. de la rév. fr.*, I, 89; Saint-Priest, *Mémoires*, I, 217-218.

¹¹ *Résultat du conseil d'état du roi, tenu à Versailles le 27 décembre 1788.—Rapport fait au roi dans son conseil par le ministre de ses finances* (Paris, de l'imprimerie royale, 1788). Numerous editions. Reprinted in *Archives Parlementaires*, I, 489-498.

amble was omitted; but, to take the place of the latter, Necker furbished up the memorial which had been, as we have seen, the basis of discussion in the ministerial conferences and finally in the royal council, and attached it to the *Résultat* under the caption *Rapport fait au roi dans son conseil par le ministre de ses finances*. It is here, ostensibly, that we find the motives which actuated the council in making the decisions.

The *Rapport* begins with words of commendation for the work of the Notables. "By dissipating many embarrassing obscurities, they have lighted the path of the administration." Nevertheless three important questions still divided public opinion, namely: (1) Shall the deputies be apportioned among the bailiwicks in accordance with population, or shall all the bailiwicks send the same number of deputies irrespective of size and population? (2) Shall the third estate have as many deputies as the two other orders combined, or shall it have only one third of the whole? (3) In the election of deputies, shall the choice of each order be restricted to its own membership? Before any further progress could be made, the king would have to pass judgment on these questions.

The majority of the Notables, the *Rapport* continues, had been of the opinion that the number of deputies should be the same for each bailiwick, but many bureaux had adopted this view apparently because there was available at the time no satisfactory information concerning the distribution of the population. That information had since been collected and ought to be utilized. It would be unjust, for instance, to give the bailiwick of Poitiers with 692,810 inhabitants the same number of deputies as that of Gex with only 13,052, or the bailiwick of Vermandois with 774,504 the same as that of Dourdan with only 7,462. Even if each order should deliberate and vote by bailiwick and not by head, the disparity would still subsist. The injustice could be removed only by according more deputies to the large bailiwicks than to the small.

"The interest attached to the second question," continues the *Rapport*, "is perhaps exaggerated on both sides; for, since the old constitution (or old usages, if you prefer) authorizes the three orders to deliberate and vote separately, the number of deputies in each order is a matter which does not appear susceptible of the degree of warmth which it has excited. It is to be desired, no doubt, that the three orders unite voluntarily in the examination of all questions in which their interest is absolutely equal and identical; but this union, be it noted, is dependent on the distinct will of the three orders."

Among the groups that have expressed opinions unfavorable to the double representation (continues the *Rapport* in substance) may be

noted the following : a decided majority of the Notables ; a large part of the clergy and nobility ; the nobility of Brittany ; many magistrates in the royal council and in the sovereign courts ; several princes of the blood. To these may be added a sort of example drawn from the estates of Brittany, Burgundy, and Artois, where the third estate is less numerous than the nobility and clergy. On the other hand, opinions favorable to the double representation have been expressed by the minority of the Notables, by many gentlemen who were not in the Assembly of Notables, by the three estates of Dauphiné, by various "commissions intermédiaires" of the recently formed provincial assemblies, and by that vast body "of your majesty's subjects known under the name of third estate." To these may be added the induction drawn from the estates of Languedoc, Provence, and Hainault, and from the decision rendered by the Parlement of Paris on December 5. "I may also add that low murmur (*ce bruit sourd*) of all Europe which favors confusedly all the ideas of general equity."

The opponents of the third estate justify their opposition with the following arguments: In 1614 and earlier the writs of convocation called for the election, in each bailiwick, of "a deputy of each order." If his majesty changes his practice, there will be no end of changes. The majority of the Notables, whose zeal, sincerity, and patriotism can not be questioned, arrived at their decision only after the most careful research. Why reject their advice? It is quite evident that the third estate will not be content with the double representation but will continue to insist on deliberation in common and vote by head. This would be the end of the old constitution and the beginning of democracy. The third estate is far more numerous than the privileged orders, it is true; but this very numerical superiority is to its disadvantage: it lacks unity and organization; it takes in political questions only a momentary interest; its enthusiasm must be kept up by writings; it gets tired of the continuation of the same debates. The nobility and clergy, on the other hand, are circumscribed in number; they are constantly awake to the national interest; they have leisure and opportunity to meet in assemblies, and they exercise a superiority of influence by reason of their credit and ascendancy in society. Not to be overlooked, finally, is the fact that the nobility and clergy know the Court and its storms and may, if they wish, concert measures for the embarrassment or dismissal of ministers.

Those who favor the demands of the third estate point out that, though the writs of convocation in 1614 and earlier always called for

the election of "a deputy of each order," this rule was never observed in practice: the third estate always had more deputies than either of the other orders. In 1302 Philippe-le-Bel made an important change when he admitted the third estate to the national assemblies. Could not Louis XVI, at the end of the eighteenth century, take another step forward by granting the third estate the double representation? Times have changed since 1302. Today the third estate is wealthy, enlightened, patriotic; it is closely bound to the welfare of the State by reason of the heavy government loans; old prejudices are disappearing and a general sentiment of equity prevails; old usages must be modified, therefore, to meet the requirements of changed conditions. The third estate of Languedoc, Provence, Hainault, and Dauphiné will send a double representation. Why not, as a beautiful gesture in response to the petitions of the cities and communities, make the rule uniform for the entire kingdom? There is no doubt that the king has power to do this and no doubt that the vast majority of his subjects desire it.

"Obliged now," continues Necker, "in obedience to his majesty's commands, to give my opinion, along with the other ministers of the crown, upon the important question before us, I shall say that, in my soul and conscience and as a faithful servitor of the king, I think decidedly that, in the next Estates General, the third estate ought to have the double representation, not to force deliberation by head, as some seem to fear, but to satisfy the general and reasonable demand of the commons of the realm, in so far as this can be done without injury to the interests of the two other orders." He thought that 250 deputies for the clergy, 250 for the nobility, and 500 for the third estate would be, all things considered, about the right number and proportion, and that the deputations, each composed in this ratio of 1:1:2, should be distributed among the bailiwicks on the basis of population and taxation.

With respect to the third question, he said, the Parlement of Paris, by the terms of its *arrêté* of December 5, seemed to think that the most perfect liberty of election was constitutional. The majority of the third estate, it was true, had expressed a desire that each order be restricted in its choice of deputies to its own membership; but if, in any bailiwick, the electors of the third estate should think otherwise and prefer as their deputy a member of the nobility or clergy, the government, it would seem, ought not to interfere.

For some reason not quite apparent this recommendation of

Necker's does not appear in the list of four articles mentioned above. The matter was simply left in abeyance.

At the conclusion of his *Rapport*, Necker addressed the king somewhat as follows: "You have frequently said, Sire, to the ministers who are honored with your confidence" that you propose to limit your prerogatives :

1. By restoring to the nation the right to consent to all taxes ;
2. By consenting to periodical meetings of the Estates General ;
3. By acknowledging that the Estates General alone have the right to appropriate the public moneys ;
4. By submitting to the Estates General the question of restricting the use of *lettres de cachet* ;
5. By submitting to the Estates General the question of granting or restricting the liberty of the press ;
6. By establishing provincial assemblies subordinate to the Estates General.

According to M. Aulard: "This was not a simple reform ; it was a revolution. . . . It was indeed the parliamentary régime that Necker was making Louis XVI accept."¹² But is this interpretation quite correct? Was the popular minister trying to force upon the king and council anything so definitely democratic? If so, he was playing out of character. To me it seems more reasonable to interpret these royal proposals, if indeed they may be called royal, as possible concessions to the privileged classes, in return for the latter's acquiescence in the suppression of pecuniary privileges and in the double representation for the third estate. Suggested on December 5 by the Parlement of Paris, they constituted an effort at a compromise, conservative in spirit, which both king and council regarded, moreover, as final. Whether or not the privileged classes would be able to profit by the concessions depended of course on the composition and organization of the Estates General. Necker probably preferred the bicameral system, which would have balanced somewhat the third estate with the two first orders ; but he was too timid to speak out, and so the matter was left in abeyance. In the absence of any decision on this point, the royal council was justified in assuming that the tri-cameral system would prevail, because that was in keeping with precedent.

Notwithstanding the vagueness on this point, by the public at large

¹² *Études et leçons sur la révolution française* (Première Série, Paris, 1893), p. 54.

the *Résultat* and the *Rapport* were received with enthusiasm, gratitude, and confidence. According to Madame de Staël: "Addresses of congratulation arrived from all parts of the kingdom; and among the numerous letters received by M. Necker, two of the most remarkable were those from the Abbé, afterwards Cardinal, Maury, and from M. de Lamoignon." ¹³ Wrote the municipal officers of Issoire: "On reading the *Rapport* which your grandeur has made to his majesty in council, our hearts melt with tenderness; we are moved to the depths of our souls; the avid cupidity of those who still hold to unjust privileges grows pale, and the zealous protector of humanity triumphs by reason of his talents and virtues." ¹⁴ "Monsieur," declares a published *Lettre du tiers état à M. Necker*, "we have read and reread, with the double sentiment of satisfaction and gratitude, this precious monument which you have erected in our favor. We bathe with tears of tenderness this sanction of authority which assures forever the stability of it. Our rights have been weighed in the balance of justice and we have the advantage of seeing our demands consecrated. Your *Rapport*, Monsieur, is the most peremptory response that we could make to those who accuse us of forming outrageous pretensions and of wishing to overturn the constitution of the monarchy. . . . Think of the people, of this third estate which puts its confidence in you. You are its advocate before the throne; continue to exercise that noble function." ¹⁵ From the estates of Dauphiné, sitting at Romans, came the message: "Sire, if you had witnessed our tears of tenderness and our transports of joy when we listened to the reading of the *Rapport* made by the minister of your finances, which expressed so well your generous designs and those of your august spouse, you would have understood how much you are adored." ¹⁶

The source of all this fulsomeness and tender emotion was the popular belief that Necker personally favored deliberation in common and voting by head and that, in a few weeks at most, he would induce the king and council to yield on this point also. But, as a Dauphinese

¹³ *Considérations*, I, 184. "Ce résultat du conseil, publié dans toute la France, fit arriver au pied du trône autant d'adresses de remerciements qu'il y avait été envoyé de supplications pour obtenir ce que Sa Majesté venait d'accorder." Lally-Tollendal, art. "Necker" in *Biographie universelle* (Michaud). Cf. Lescure, *Corres. secrète*, II, 318.

¹⁴ Archives Nationales, B^{II} 168, p. 787.

¹⁵ S.l., 1^{er} janvier 1789, pp. 2-5.

¹⁶ *Lettre écrite au roi par les états de la province de Dauphiné sur le résultat du conseil d'état du 27 décembre 1788 et sur le rapport de M. Necker* (S.l.n.d.).

gentleman pointed out: "The text of the *Rapport* enounces distinctly that the votes shall be counted by order. Moreover, M. Necker emphasized this fact in his response to the deputies of the nobility of Burgundy, adding, upon his word of honor, that it had never been his intention or the intention of the king to propose that the votes be counted otherwise."¹⁷

This seems to be the correct interpretation of the case. No matter how illogical and inconsistent the process might be, the royal council (including Necker) believed that, in the composition of the Estates General, the double representation could be divorced from the vote by head and that the former could be conceded and the latter withheld.¹⁸ But to those who defended the cause of the third estate such a divorce was unthinkable. The point of view of the third estate was formulated by Siéyes in his famous pamphlet *Qu'est-ce que le tiers état?*

¹⁷ *Lettre d'un gentilhomme dauphinois à un de ses amis en Dauphiné (S.I.n.d.)*, pp. 7-8.

¹⁸ "Le roi, par le résultat de son conseil du 27 décembre 1788, fit connaître manifestement qu'il n'entendait rien changer à l'ancienne institution des trois ordres appelés à délibérer séparément, et en même temps, il décida que les députés du tiers seraient égaux en nombre aux députés des deux premiers ordres réunis." Necker, *Hist. de la rév. fr.*, I, 90-91.

CHAPTER XIII

"WHAT IS THE THIRD ESTATE?"

Of the 200 or more pamphlets published during January, 1789, only about one out of every four was a serious discussion of the question at issue between the privileged and the non-privileged classes. The others were either expressions of gratitude or protest issued by organized bodies, or pamphlets of lighter vein designed to influence the less serious reader. The arguments pro and con were essentially the same as those advanced in December or earlier and for that reason need not be recapitulated. One pamphlet, however, was of such exceptional merit that it deserves special study, namely, the *Qu'est-ce que le tiers état?* by the Abbé Siéyes. Not that Siéyes had anything particularly new to offer; on the contrary, others had anticipated his principal arguments and suggestions; but Siéyes surpassed all others in his mastery of the telling phrase, the epigrammatic sentence that stuck in the memory.

The call for information on July 5, 1788, found Siéyes spending the summer, as was his wont, in the country a few miles from Paris. There he wrote his first pamphlet: *Vues sur les moyens d'exécution dont les représentants de la France pourront disposer en 1789*. It was finished before Neckers recall to power and was in the press when Siéyes returned to Paris in October, to find that the political atmosphere had changed. Now, without hesitation, he stopped the *Vues sur les moyens* in the press and wrote in rapid succession two other pamphlets: *Essai sur les privilèges* and *Qu'est-ce que le tiers état?* The first was published in November but attracted little attention at the time; the second, written while the Notables were in session, appeared early in January. Its success led him to bring out the *Vues sur les moyens* a few weeks later; but this sober and relatively conservative exposition of the legislative rights of the Estates General made no popular appeal. His fighting pamphlet was the *Qu'est-ce que le tiers état?*¹ from which the following quotations are taken:

¹ Edition critique, avec une Introduction par Edme Champion (Paris, 1888). Champion reproduces the text of the first edition and gives in foot-notes the variants furnished by the second edition.

The plan of this pamphlet is simple enough. We have three questions to ask ourselves:

1. What is the third estate? Everything.
2. What has it been hitherto in the political order? Nothing.
3. What does it demand? To become something.

We shall see whether these answers are correct. We shall examine then the means that have been tried and the measures that ought to be taken in order that the third estate become, in fact, *something*. Accordingly we shall speak of:

4. What the ministers have *attempted*, and what the privileged orders *propose*, in its behalf.
5. What *ought* to have been done.
6. Finally, what *remains* for the third estate to do in order to take the place it deserves.

In the first chapter he undertakes to prove that the third estate was in itself a complete nation.

What is necessary that a nation should subsist and prosper? Individual efforts and public functions. . . . Who puts forth the individual efforts? The third estate. Public functions may be classified, in the present state of affairs, under four recognized heads: the Sword, the Robe, the Church and the Administration. It would be superfluous to take them up one by one, for the purpose of showing that everywhere the third estate attends to nineteen-twentieths of them, with this difference, that it is charged with everything that is really burdensome, with all the tasks that the privileged order refuses to perform. Only the lucrative and honorific places are occupied by members of the privileged order. . . . Who then would dare to say that the third estate does not have within itself everything necessary to form a complete nation? It is the strong and robust man who has one arm still shackled. If the privileged order should be abolished, the nation would not be something less, but something more. So, what is the third estate? Everything; but an everything shackled and oppressed. What would it be without the privileged order? Everything, but an everything free and flourishing. Nothing can succeed without it; everything would go on infinitely better without the others. . . .

What is a nation? A body of associates living under a common law and represented by the same legislature. Is it not too obvious that the noble order has privileges, exemptions, even rights apart from the rights of the great body of citizens? It thereby withdraws from the common order, from the common law. So its civil rights make of it already a separate people in the midst of a great nation. This is truly *imperium in imperio*. With respect to its political rights, these also it exercises apart. It has its special representatives who in no way represent the will of the rest of the people. The body of its deputies sits apart; and when it is assembled in the same hall with the deputies of simple citizens, it is none the less true that its representation is essentially separate and distinct and foreign to the nation. . . . The third estate then embraces all that

belongs to the nation; and all that is not of the third estate can not be regarded as being of the nation. What is the third estate? Everything.

"What has the third estate been hitherto? Nothing." This is his second caption.

Let us see what the third estate was in former Estates General. Who were its pretended representatives? Men recently ennobled or privileged for a term. Even these pseudo-deputies were not always freely elected by the people. Sometimes in the Estates General, and almost everywhere in the provincial estates, representation of the people was regarded as a right pertaining to certain official positions. . . . Let us sum up: the third estate has not hitherto had any true representatives in the Estates General. So its political rights are null.

"What does the third estate demand? To become something." This is his third caption.

It wishes to have (1) true representatives in the Estates General, that is, deputies *drawn from its own order*, who are fitted to be interpreters of its will and defenders of its interests. But what is the use of having deputies in the Estates General if the interest contrary to its own is to predominate there? The third estate would only sanction by its presence the oppression of which it would be the eternal victim. Thus it is obvious that the third estate can not be present and vote in the Estates General if it is not to have there *an influence at least equal to that of the privileged orders*. So it demands (2) a number of representatives equal to that of the two first orders combined. Finally, this equality of representation would become perfectly illusory if each chamber had a separate vote. The third estate demands then (3) that the votes be counted *by head and not by order*. These are the demands that have spread alarm among the privileged classes, for the latter perceive that if these demands are granted the reform of abuses will inevitably follow. The real intention of the third estate is to have in the Estates General an influence *equal* to that of the privileged orders. I repeat, Can it demand less? Is it not obvious that if its influence is below equality, there can be no hope that it will emerge from its political nullity and become *something*? . . .

The privileged orders fear the equality of influence demanded by the third estate and they declare it unconstitutional. This conduct is all the more striking in that they have hitherto been two against one without finding anything unconstitutional in this superiority. They feel very intimately the need of retaining the veto in regard to everything that might be contrary to their interests. I shall not repeat the reasoning by which twenty writers have refuted this pretension and the arguments relative to the old forms. I have only one observation to make: There certainly are abuses in France; some one profits by these abuses; they hardly profit the third estate; to it above all are they harmful. Now I ask whether it is possible, this being so, to destroy a single abuse so long as the veto is left to those who profit by it? All justice would be impotent; we should have

to look to the pure *generosity* of the privileged orders for everything. Is that your idea of what constitutes the social system? . . .

In his fourth chapter he discusses what the government has attempted, and the privileged orders proposed, in behalf of the third estate. With Calonne's plan for the establishment of provincial assemblies he had little fault to find, but as finally carried out under Brienne the plan was completely spoiled by the retention of the distinction of orders.

In these assemblies Brienne, it is true, did grant to the third estate a number of representatives equal to that of the clergy and nobility combined; the articles of institution are positive on this point; but what happened? The deputies for the third estate were named among the privileged orders. I know of one of these assemblies where, out of fifty-two members, only one member is non-privileged. This is the way the third estate is treated, even after the public announcement is made that it will be dealt with justly. . . .

Nothing is more just in regard to the Notables than the thrust of M. Cérutti: "The king has twice summoned the Notables for consultation upon the interests of the throne and the nation. What did the Notables do in 1787? They defended their privileges against the throne. What did the Notables do in 1788? They defended their privileges against the nation." Instead of consulting men who are notable for their privileges, the king ought to have consulted men who are notable for their enlightenment. . . . Thus the attempts of the ministry have resulted in nothing favorable to the third estate. . . .

The Notables adopted a formal resolution favoring an equitable distribution of taxes among the three orders. It was not upon this question that their advice was sought; they were asked for an opinion on the manner of convoking the Estates General and not for an opinion on the actions which this assembly will have to take. So their resolution may be regarded as being in the same class as those adopted by the peers, by the Parlement of Paris, and finally by so many private societies and individuals who are today very eager to agree to the proposition that the most wealthy ought to pay as much as the most poverty-stricken. . . . But, we ask, what is the reason for so much zeal, so much enthusiasm, such a spirit of harmony, on the part of the second order? By making a voluntary concession, does the nobility hope to prevent the law from performing an act of justice? So much eagerness to anticipate what the Estates General ought to do, might this not go so far as to develop into a scheme for dispensing with the Estates General altogether? I do not accuse the nobility of saying to the king: "Sire, you need the Estates General only to reestablish your finances. Well, we offer to pay taxes like the third estate; will not our contribution be sufficient to deliver us from an assembly which disquiets us more than it does you?" No. It is impossible to take this view of the

case. . . . The nobility seems to say to the third estate: "What are you asking for? That we pay taxes like you? Well, that is just; we will pay!" . . . To which the third estate responds: "Yes, you will pay, not through *generosity*, but because justice demands that you pay; not because you wish to, but because you ought to. We expect from you an act of obedience to the common law rather than a testimony of an insulting pity for an order which you have for so long treated without pity. But it is in the Estates General that this matter ought to be discussed. The question today is how to constitute the Estates General properly. If the third estate is not represented there, the nation will be mute and nothing valid can be done. Even if you should find means of going ahead without our coöperation, we can not suffer ourselves to be disposed of in our absence. . . ."

The privileged orders never grow weary of saying that all is equal among the orders from the moment they renounce pecuniary exemptions. If all is equal, what do they fear from the demands of the third estate? Can any one imagine that the third estate would wish to harm itself by attacking a common interest? If all is equal, why all these efforts to prevent the third estate from escaping from its political nullity? . . . If abuses and disorders continue to flourish in France, independently of those connected with the taxes, explain to me how all can be equal between him who profits by abuses and him who suffers from them. All is equal! It is then in the spirit of equality that the third estate is excluded from all posts and places which have a little distinction. . . .

The ministry fears above all a form of deliberation which would bring about a business stagnation. If, at least, an agreement could be reached to supply the deficit, the rest would hardly interest the ministry; the three orders might then dispute with each other as much and as long as they could. On the contrary, the less they did, the more the ministry would feel itself secure in its old unlimited authority. Hence the proposal for a compromise which begins to be hawked about everywhere and which would be as beneficial to the privileged orders and to the ministry as it would be fatal to the third estate. The proposal is that the government appropriations and everything pertaining to taxation be voted on by head. Then the three orders would retire into their respective chambers as into impregnable fortresses, where the commons would deliberate without success, the privileged orders pass the time without fear, while the ministry would remain the master. But can one believe that the third estate will fall into this snare? Since the government appropriations ought to be the last transaction of the Estates General, it will be necessary to reach an agreement first upon a general form for all the deliberations. . . .

Different interests have had time to form in the order of the nobility. It is not far from being divided into two groups. The group composed of three or four hundred of the most distinguished families sigh for the establishment of an upper house in imitation of the English house of lords; their pride is nourished on the hope of being no longer confounded with the crowd of gentlemen. So the high nobility would cheerfully consent to consign to the house of commons the rest of the nobles along with the generality of the citizens. The third estate will beware, however, of a sys-

tem which would tend to nothing less than the filling of its chamber with people who have an interest contrary to the common interest, of a system which would put the third estate back in its old condition of nullity and oppression. There is, in this regard, a real difference between England and France. The only privileged nobles in England are those to whom the constitution grants a part of the legislative power. All the other citizens are fused into the same interest; there are no privileges at all to make distinct orders of them. If then the three orders in France are to be united in the house of commons, it would first be necessary to abolish every species of privilege. It would be necessary that the noble and the priest have no other interest than the common interest, and that they enjoy only by force of law the rights of simple citizens. Without that, you will have united to no purpose the three orders under the same denomination; they will always make three heterogeneous substances impossible to amalgamate. . . .

Is the English constitution good in itself? Even if it is, would it be suitable for France? I am afraid that this much vaunted masterpiece could not sustain an impartial examination made in accordance with the true principles of political science. We should recognize perhaps that it is rather a product of chance and circumstance than of enlightenment. . . . Look at the national representation, how bad it is in all its elements, even on the avowal of the English themselves. And yet the characteristics of a good representation are most essential in the formation of a good legislature. Is it from true principles that the idea has been drawn of separating the legislative power into three parts, only one of which is supposed to speak in the name of the nation? If the lords and the king are not representatives of the nation, they are nothing in the legislative power, for the nation alone can will for itself and in consequence create laws for itself. He who enters into the legislative body is competent to vote in the name of the people only in so far as he is empowered to act as the people's proxy. But where is the power of proxy when election is not free and general? I do not deny that the English constitution is an astonishing piece of work for the time in which it was established. Yet, though people are quite ready to laugh at a Frenchman who does not prostrate himself before it, I shall have the courage to say that, instead of seeing in it the simplicity of good order, I see only a prodigious scaffolding of precautions against disorder. . . . Because it has sustained itself for a hundred years and bids fair to last for centuries is no proof of its excellence. In the matter of human institutions, what institution does not last a long time, however bad it may be? Does not despotism also last? Does it not seem eternal in the greatest part of the world? . . .

This constitution which we do not cease to envy would be bad for us, not because it is English, but because to real defects it adds precious advantages. If you try to naturalize it among you, there is no doubt that you will readily secure its defects, for they will be of use to the only power from which opposition is to be feared. Will you secure its advantages? That is more questionable; for then you will have to face a power whose interest lies in hindering you from accomplishing your desires. . . . Let

us rise to the ambition of wishing ourselves to serve as a model for other nations.

"What ought to have been done?" is his fifth caption.

In every free nation, and every nation ought to be free, there is only one way to settle the questions that arise concerning the constitution. It is not to Notables that recourse ought to be had, but to the nation itself. If we do not have a constitution, it is necessary to make one; the nation alone has the right to do this. If we have a constitution, as some persist in maintaining, and if by this constitution the national assembly is divided, as they pretend, into three deputations of the three orders of citizens, we can not at least help seeing that on the part of one of these orders there is a protest so loud that another step can not be taken without judging it. Now, to whom are such contests referred for decision? [To an assembly of extraordinary representatives of the nation, is his reply.] Where is the nation to be found? Where it is—in the forty thousand parishes which embrace all the territory, all the inhabitants, all the tributaries of the commonwealth; it is there, of course, that the nation is to be found. A territorial division should have been indicated to facilitate the process of forming districts of from twenty to thirty parishes each, for the primary elections. Upon a similar plan the districts should have been grouped into provinces, and the latter should have sent to the metropolis true extraordinary representatives with special powers to determine the constitution of the Estates General. Would you say that this process would have involved too much delay? No more indeed than this series of expedients which have ended only in confusing things. Besides, it was a question of taking the true means of reaching the goal and not of creating expedients to meet new conditions. . . . "But," you say, "if the majority of the citizens had named extraordinary representatives, what would have become of the distinction of the three orders? What would have become of privileges?" They would have become what they ought to be. . . . The Estates General [convoked as in 1614] are incompetent to decide anything relative to the constitution. That right belongs to the nation alone, independent, we do not cease to repeat, of all forms and conditions. . . .

Who is to interrogate the nation? If we had a legislative constitution, each of its parts would have the right to do it, for the reason that recourse to the judges is always open to the suitors, or rather because the interpreters of a will are obliged to consult their constituents either to get their instructions explained or to give notice of circumstances that require new powers. But we have been without representatives for nearly two hundred years, assuming that we had some then. Since we have none at all, who will restore them to the nation? Who will inform the people of the need of sending extraordinary representatives? The answer to this question can embarrass only those who attach to the word *convocation* the farrago of English ideas. It is not a question here of royal *prerogative* but of a *convocation* in the simple and natural meaning of the word. This term implies *notice* to be given of the national need and *indication* of the common

rendez-vous. Now, when the safety of the country urges every citizen, will a man lose time inquiring, "Who has the *right* to convoke?" Rather he should ask, "Who does not have the right?" It is the sacred duty of all those who can, to do something about it. Particularly is it the duty of the executive power, which is able, and much better placed than simple individuals, to anticipate the generality of the citizens, to indicate the *rendez-vous* and to remove all the obstacles that might be thrown in the way by corporate interests. Certainly the prince, in his quality of first citizen, is more interested than any one else in convoking the people. Though he is incompetent to make decisions relative to the constitution, it can not be said that he is incompetent to instigate decisions.

So there is no difficulty about the question, "What ought to have been done?" The nation ought to have been convoked in order that it might depute to the metropolis extraordinary representatives with special instructions to regulate the constitution of the ordinary national assembly."

"What remains to be done?" is his sixth and last caption.

Uselessly the third estate has waited for the coöperation of all the classes, the restitution of its political rights and the full enjoyment of its civil rights. The fear of seeing the abuses removed inspires the two first orders with more alarm than they have desire for liberty. Confronted with the choice between liberty and certain odious privileges, they have chosen the latter. Their soul has identified itself with the favors of servitude. They dread today these Estates General which they formerly invoked with so much ardor. All is well for them; they have nothing more to complain of except the spirit of innovation; they no longer lack anything; fear has given them a constitution.

The third estate ought to perceive, conditions being as they are, that it can expect nothing except what it can gain by its courage and enlightenment. Reason and justice are on its side; it must appeal to them with all its might. The time is past to work for the conciliation of parties. What agreement could one expect between the energy of the oppressed and the rage of the oppressors? The latter have dared pronounce the word *scission*. They have threatened the king and people with it. Great God! How fortunate it would be for the nation if this *scission*, so desirable, were made forever! How easy it would be to get along without privileged orders! How difficult it would be to induce them to become citizens! . . .

In vain may the privileged orders close their eyes to the revolution which time and the force of things have brought about; nevertheless it is a reality. Formerly the third estate was in serfdom and the noble order was everything. Today the third estate is everything and the nobility is a word (*mot*). But under that word has crept in a new and intolerable aristocracy, and the people has every reason not to want any aristocracy at all.

In such a situation, what remains for the third estate to do if it wishes to get possession of its political rights in a manner useful to the nation? There are two ways of attaining this end. According to the first way, the

third estate ought to assemble apart; it will not coöperate with the nobility and clergy; it will not vote with them either by head or by order. I ask that attention be paid to the enormous difference that there is between an assembly of the third estate and that of the two other orders. The first represents twenty-five million individuals and deliberates upon the interests of the nation. The two others, were they to unite, represent only about two hundred thousand individuals and think only of their privileges. The third estate alone, you say, can not form the Estates General. Well, so much the better! It will form the national assembly! . . .

You exclaim that if the third estate assembles apart to form, not the estates called *general*, but the national assembly, it will be no more competent to vote for the clergy and nobility than these two orders are to deliberate for the people. In the first place, I ask you to note that the representatives of the third estate will incontestably have the power of proxy for the twenty-five or twenty-six million individuals who compose the nation, with the exception of about two hundred thousand nobles and priests. That is quite sufficient to justify these representatives in taking the title of national assembly. They will deliberate then, without difficulty, for the entire nation, with the exception of only about two hundred thousand individuals. In this supposition, the clergy could continue to hold its assemblies for the *dons gratuits* and the nobility might adopt any means to offer its subsidy to the king; and in order that the arrangements peculiar to these two orders might never become onerous to the third estate, the latter might begin by declaring formally that it does not intend to pay any tax not paid by the two other orders. It would vote the government appropriations only on this condition; and, even when the tribute has been settled, it would not be levied upon the people if one should perceive that the clergy and the nobility were exempting themselves from it under any pretext whatsoever. This arrangement would be, perhaps, despite appearances, as good as any other to bring the nation gradually back to social unity. At any rate, it would relieve, from now on, the danger which threatens this country. . . .

In separating itself from the two other orders the third estate can not be accused of making a *scission*; it is necessary to leave that expression, as well as the meaning attached to it, to those who used it first. In fact, the majority does not separate itself from the whole; there would be in that a contradiction in terms; for that to happen, the majority would have to separate itself from itself. It is only the minority that may be unwilling to submit to the will of the majority and in consequence make a *scission*. . . .

If the first way, which I have now presented, appears a little brusque; if time is considered necessary to accustom the public to liberty; if national rights, however evident they may be, are still thought to have need, when they are disputed even by a minority, of a sort of legal judgment which fixes them, so to speak, and consecrates them by an ultimate sanction, then I am willing to acquiesce: let us then refer them to the tribunal of the nation, which is the only competent judge in all cases affecting the constitution. Such is the second means open to the third estate. . . .

No one will deny that the chamber of the third estate in the next Estates General will be quite competent to summon an extraordinary representation for the kingdom. It will begin by serving notice on the generality of citizens that the constitution of France is defective; it will complain loudly that the Estates General are a badly organized body, incapable of performing the functions expected by the nation; and that it will demonstrate at the same time the necessity of giving to an extraordinary deputation a special power to regulate by incontestable laws the constitutional forms of the legislature. Till then, the chamber of the third estate will suspend, not its preparatory labors, but the exercise of its powers; it will enact nothing definitive; it will wait for the nation to judge the great question which divides the three orders. Such is the most frank and generous procedure and in consequence the one most befitting the dignity of the third estate.

The third estate can then consider itself under two aspects: (1) It regards itself only as *an order*; it does not wish to shake off quite the prejudices of the old barbarity; it distinguishes two other orders in the State, without attributing to them however any other influence than that which can be reconciled with the nature of things, and it has for them all the respect possible, while consenting to question their rights until the decision of the supreme judge has been rendered. (2) It is the *nation*. In this quality, its representatives form the whole national assembly; they have the powers of it. Since they are *only* depositaries of the general will, they do not need to consult their constituents concerning a dissension which does not exist. Of course they are always ready to submit to the laws which it may please the nation to give them, but they do not have to submit to the nation any question concerning the majority of the orders in the national assembly. For them, there is only one order, that is to say, there is none. . . .

Meanwhile, it is impossible to say what place the clergy and nobility ought to occupy in the social order. This is equivalent to asking what place ought to be assigned to a malignant disease which preys upon and tortures the body of a sick man. It must be *neutralised*. The healthy play of all the organs must be so restored that it may never return to vitiate the most essential principles of vitality.

Such was Siéyes' famous pamphlet. While its pages were coming from the press, the regulations for the election of the Estates General were being drafted in accordance, for the most part, with the recommendations of the Notables;² but the program of action adopted by

² On January 4, 1789, the king appointed a small commission to draft the electoral regulations. The majority of the commission, perhaps all of them, were quite familiar with the results of the nation-wide quest for information as instituted by the decree of July 5, and with the work of the second Assembly of Notables. Beginning on January 8, nominally under the chairmanship of Barentin, and with the recommendations of the Notables to serve as the basis for their work, they completed the first instalment of their task on January 22. Their report was reviewed

the third estate in May and June, 1789, as everybody knows, was in accordance with the recommendation of the Abbé Siéyès.

in three sittings of the council of despatches, and formally adopted on January 24. Cf. Brette, *op. cit.*, I, 38-39, 367-368; *Gazette de Leyde* (1789), Nos. 5, 9, 10; Neckcr, *Hist. de la rév. fr.*, I, 85-86.

CHAPTER XIV

SUMMARY AND CONCLUSION

It seems possible now to review the high points of the story and arrive at certain conclusions.

The privileged classes, when requested by the royal government to surrender their immunities, appealed to the old constitution of France for protection, in conscious imitation of the English patriots during the reigns of the first two Stuarts. The royal government did not want to resuscitate the old Estates General of the realm, fearing a limitation of the royal power, and sought more than once to crush opposition by *coups d'autorité*. Having failed in these attempts and being on the verge of bankruptcy, the royal government at length yielded to the demand for the Estates General—but with an *arrière pensée*. Instead of appointing a small commission of experts to gather the necessary information concerning the convocation and composition of the Estates General, which would have been the normal and sensible thing to do, the government issued instructions for a nation-wide quest for information, which created of course a popular commotion. What was this but an invitation to the third estate to enter the fray? By playing off the non-privileged against the privileged classes, Brienne and Lamoignon hoped to escape from their embarrassment. Any other conclusion as to their motives is hard to arrive at.

The policy laid down by the decree of July 5, 1788, was followed to the end, strange to say, with remarkable consistency. In response to the decree, individuals and officials flooded the keeper of the seals and the general public with advice and with what passed for information. The provincial assemblies, it is true, did not meet, as was contemplated by the decree, to canvass the results of the quest and to express opinions (*vœux*) thereon; but the second Assembly of Notables performed in a measure the duties originally assigned to the provincial assemblies. During the first two months of 1789 the final synthesis was made, as contemplated by the decree, under the direction of the keeper of the seals and was submitted to the king for sanction and promulgation as electoral regulations.

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The services performed by the second Assembly of Notables deserve more recognition than has been commonly accorded to them by historians. The official minutes of the various bureaux show that for long hours each day the Notables labored assiduously at the task assigned them. Not only did they have to discover what the old usages were; but, where gaps and ambiguities existed in the records, they had to determine what should be done under the circumstances. Their definitive recommendations were quite conservative, it is true, but not too conservative for the taste of the royal council. It was with great difficulty that Necker, under the pressure of public opinion, forced the royal council on December 27 to accept the minority report of the Notables, for such essentially was the famous *Résultat*. In the matter of the convocation and election of the Estates General, when one compares the recommendations of the Notables with the regulations of January 24, one is impressed by the fact that the latter are little more than a collation and résumé of the former.

To what extent the pamphlets addressed to the public and the petitions addressed to the government influenced the final decision it is difficult to determine. Necker and possibly Montmorin were the only members of the royal council who were inclined to yield to public opinion—Necker because his precious finances were involved and Montmorin possibly because of his naturally liberal tendencies. To the other ministers, as to the majority of Notables, the pressure of public opinion was an irritant, causing resentment, arousing indignation. These could only be reached through Necker, who alone could stave off bankruptcy. By threatening to resign, he had secured for the third estate the double representation; but this concession was useless without the vote by head, and even Necker resisted popular pressure on that point. One is tempted to say then that the pamphlets and petitions failed to have any important influence on the policy of the government. Prior to their appearance, the king had announced his purpose to convoke and compose the Estates General in accordance, so far as possible, with old usages; this announcement was repeated on October 5, on November 6, and on January 24, and the electoral regulations, as eventually promulgated, prove that this announcement was no mere euphemism.

Nevertheless, by clarifying the issues, by setting all France to thinking politically, by denouncing or defending privileges, by stirring up enthusiasm, passion, and patriotic fervor, the pamphlets and petitions prepared the way for the ultimate solution of the problem. Every city,

town, or village of importance had drafted a petition or memorial as an expression of the sentiments of its citizens; almost every man of education had expressed his views of the situation in a published pamphlet; supporters of the privileged orders had replied as best they could in pamphlet or memorial: these great conversations, continuing for more than ten months through the press, had crystallized opinions. When the Estates General met on May 5, 1789, the deputies of the third estate did not know each other by sight, but they already knew themselves to be of one mind and spirit. They would for a time be reasonably patient and modest; but ultimately they would play their trump card, which they did on June 10. The third estate alone, as Siéyes had written, could not form the Estates General, but it could form the National Assembly and regenerate France, in spite of the government and the privileged orders.

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Mémoires du comte Ferrand, ministre d'état sous Louis XVIII, publiés pour la Société d'histoire contemporaine, par le vicomte de Broc (Paris, 1897).

Mémoires du marquis de Bouillé, lieutenant-général des armées du roi, chevalier de ses ordres, gouverneur de Douai, membre des deux assemblées des notables, et général en chef de l'armée de Meuse, Sarre et Moselle, avec une notice sur sa vie, des notes et des éclaircissements historiques, par MM. Berville et Barrière (troisième édition, Paris, 1823).

Mémoires inédits de l'Abbé Morellet, de l'Académie française, sur le dix-huitième siècle et sur la révolution, précédées de l'éloge de l'Abbé Morellet par M. Lémontey, membre de l'Institut, Académie française; deuxième édition considérablement augmentée (Paris, 1822, 2 vols.).

Mémoires historiques et politiques du règne de Louis XVI, depuis son mariage jusqu'à sa mort. Ouvrage composé sur des pièces authentiques fournies à l'auteur, avant la révolution, par plusieurs ministres et hommes d'état; et sur les pièces justificatives recueillies, après le 10 août, dans les cabinets de Louis XVI, à Versailles et au château des Tuileries; par Jean-Louis Soultavie (Paris, 1801). In Volume VI, pages 237-254, there is a fragment of the *Mémoires de Brienne*. Though the original manuscript can not be found, Jules Flammermont is convinced that the fragment is genuine (*Revue historique*, XLVI, p. 11).

Mémoires particuliers, pour servir à l'histoire de la fin de règne de Louis XVI, par A.-F. de Bertrand-Moleville, ministre et secrétaire d'état sous le règne de Louis XVI (Paris, 1823, 2 vols.).

Mémoires (du comte de Saint-Priest). *Règnes de Louis XV et de Louis XVI*, publiés par le baron de Barante (Paris, 1929). Written long after the events described. Every statement needs control.

Mémoires sur la vie privée de Marie Antoinette, reine de France et de Navarre, suivis de souvenirs et anecdotes historiques sur les règnes de Louis XIV, de Louis XV et de Louis XVI; par Madame Campan, première femme de chambre de la reine; publiés et mis en ordre par F. Barrière (Paris, 1826, 3 vols.).

Souvenirs et fragments pour servir aux mémoires de ma vie et de mon temps, par le marquis de Bouillé (Louis-Joseph-Amour), 1769-1812; publiés pour la Société d'histoire contemporaine, par P.-L. de Kermaingant (Paris, 1906, 1908, 1911).

Sur l'administration de M. Necker, par lui-même (S.l., 1791).

III. PAMPHLETS

For the present purpose a pamphlet may be defined as an ephemeral publication, of no great size, designed to influence public opinion with respect to current events. Any attempt to classify the pamphlets of 1788-1789, with a view to exact definition, leads to endless difficulties.

In 1786 no more than half a dozen pamphlets appeared in France, and these were not of a political nature. But with the meeting of the Notables in February, 1787, pamphlets, both serious and facetious, began to appear

in considerable numbers. The Parlement of Paris and the provincial parlements, in 1787-1788, kept the printing-presses busy turning out resolutions and remonstrances, and many individuals, in defiance of the censorship, published their views of the situation. But before July 5, 1788, the pamphlets were not discussing the convocation and composition of the Estates General. For that reason they have been omitted from the present study.

The decree of July 5, it is true, did not invite anybody to *publish* the results of his researches, but the transition from manuscript report to printed pamphlet is easy. If a man were especially well pleased with the results of his researches, he would be naturally inclined to make two copies of his report, and send one to the keeper of the seals for information and the other to the printer for publication. Indeed, now that the king had called for information, it was regarded as a patriotic duty to write and to publish; but, perhaps from a lingering fear of the censorship, writers for the most part preferred to take refuge in anonymity. If a pamphlet proved to be a good seller, it was shamelessly pirated by any publisher who would, reprinted with a new title perhaps and attributed, it may be, to some well-known man who may or may not have been its author.

Droz, whose history is almost a primary source for this period, tells us that during the last three months of 1788 some one bought 2,500 of these pamphlets and even then his collection was far from being complete. This statement has been frequently quoted by later historians to adorn a tale, but I am convinced that the impression conveyed by it is erroneous. There is no doubt that, during the latter half of 1788, pamphlets appeared in such profusion as to astonish contemporaries, but they did not fall like autumn leaves. When contemporaries condescend to be specific, they mention the appearance of pamphlets at the rate of three or four a day in November, ten or a dozen a day in December, and four or five a day in the following January. In March, 1789, some one published a *Catalogue des ouvrages relatifs aux états généraux qui ont paru depuis l'arrêt du conseil du mois de juillet 1788* (S.l., 1789. Pp. 59). How many titles does it contain? Only 800, and all sorts of pamphlets are included. I checked the list with my own and felt encouraged. In the list below the reader will find, I think, the titles of all the pamphlets (or nearly all) that appeared in France between July 5, 1788, and January 24, 1789.

Of only a few pamphlets can the place of publication be determined with precision, but it is safe to assume, I think, that most of them were published in Paris. Paris at any rate was the center of distribution, and, even though a pamphlet might have been first published in a provincial city, it was distributed or published again, if it had proved to be popular, at the capital.

The date of the publication of many of the pamphlets can be determined roughly and in some cases precisely from internal evidence, by cross-references, or in some other way. The *Correspondance littéraire, philosophique et critique de Grimm et de Diderot*, the manuscript "Journal" of Hardy, and a few contemporary newspapers contain references to pamphlets under dates more or less definite. In the list below I have indi-

cated after each title all the evidence I have of the date of publication. Where no such evidence is indicated, I have only guessed at the date.

For the names of the writers, when these are not appended to the titles of the pamphlets, I have been dependent almost wholly upon the authority of the *Dictionnaire des ouvrages anonymes*, par Ant.-Alex. Barbier, troisième édition, revue et augmentée par MM. Olivier Barbier, René et Paul Billard de la Bibliothèque Nationale (Paris, 1872).

(a) *Pamphlets Published between July 5 and September 25, 1788.*

Addition au parallèle (S.l., 1788. Pp. 42).

Arrêt du conseil d'état du roi, concernant la convocation des états généraux. This is the decree of July 5, 1788.

Arrêt du conseil d'état du roi, concernant les droits, franchises et immunités du clergé. Extrait des registres du conseil d'état; du 5 juillet 1788 (S.l., 1788). Signed: Le baron de Breteuil.

Arrêt du conseil d'état du roi, qui fixe au premier mai prochain la tenue des états généraux du royaume, et suspend jusqu'à cette époque le rétablissement de la cour plénière. This is the decree of August 8, 1788.

Arrêté des communes de Paris, du 30 août 1788 (S.l.n.d. Pp. 15). Protesting against the way the Garde-de-Paris under Dubois dealt with the rioters after the dismissal of Brienne.

Arrêts des dames et demoiselles de la ville de Guérande, en Bretagne (S.l.n.d. Pp. 7). Bears date of August, 1788, at end of pamphlet.

Assemblée des trois ordres de la province de Dauphiné (S.l.n.d. Pp. 7). This is the procès-verbal of the assembly of Vizille, July 21, 1788.

Au roi, les très humbles, très soumises et très respectueuses représentations, que présente à votre majesté, la noblesse du pays de Cominges et Conflans (S.l.n.d. Pp. 8). On page 7 appears the date "17 août 1788."

Avis aux dames (S.l.n.d.).

Chronologie raisonnée des états généraux les plus intéressants, avec l'analyse des célèbres états de Tours sous Charles VII, faisant suite à la brochure intitulée "Des états généraux et de leur convocation," accompagnée d'un catalogue très nombreux de liures sur cette matière et sur l'histoire de France (Paris, 1788). The pamphlet mentioned in the title was published before August 15 (see below). The present pamphlet, being a "suite" of the other, was published probably in September.

Les comme si (S.l.n.d. Pp. 7). A facetious pamphlet ridiculing the decree of June 20, 1788, concerning disorders.

Considérations intéressantes sur les affaires présentes, par M*** (seconde édition, Londres et Paris, 1788. Pp. 207). The first edition appeared in May, 1788, and the second in the following August (see *Observations sur l'égalité de représentation prononcée par le roi en faveur du tiers état* . . . [S.l., 1789], p. 24). The second edition contains (pp. 194-207) *Observations sur l'arrêt du conseil du 16 août 1788*. In concluding these latter *Observations* the author says: "A l'instant où l'on termine l'impression de cet ouvrage, l'on apprend que sa majesté a fait choix de M. Necker, pour le placer à la tête de ses finances." According to Barbier the author was Mignonneau, but I have not been able to find any information about Mignonneau. The pamphlet is mentioned in *Gazette de France*, No. 76, under date of September 19, 1788.

Constitution de la France, ou droits du roi et des sujets (S.l.n.d. Pp. 55). Discusses the decrees of May 8, 1788.

Conte très vrai, ou récit historique extrêmement exact de l'installation du président de Rethel (S.l.n.d. Pp. 32). Dated: 16 août 1788, By Ponce-Louis Monnot, "notaire à Rethel," according to Barbier.

Coup d'œil rapide, ou notice historique sur les assemblées des états généraux du royaume depuis l'établissement de la monarchie, etc. (Amsterdam, et se trouve à Paris, chez Lagrange, 1788. Pp. 152). In response to the decree of July 5. On page 11 is a reference to the decree of August 8. Mentioned in the *Journal général de France*, No. 122, under date of October 9. Published probably before September 25.

La cour plénière, héroï-tragi-comédie, en trois actes et en prose; jouée le 14 juillet 1788, par une société d'amateurs, dans un château aux environs de Versailles, par M. l'Abbé de Vermond, lecteur de la reine (A Bavière, et se trouve à Paris, chez la veuve Liberté, à l'enseigne de la révolution. 1788. Pp. vii + 104). Contains references to the fall of Brienne. Under date of September 12, 1788, the "Lettre de Paris," in the *Gazette de Leyde*, No. 76, has this to say: "De tous les pamphlets, que l'esprit de parti a fait éclore depuis trois mois, l'un des plus recherchés est celui qui parait depuis avant-hier. C'est une comédie en trois actes, intitulée: 'La Cour Plénière.' L'ancien principal ministre et le garde des sceaux y sont traduits en scène d'une manière pour eux fort désagréable."

Le courrier des enfers (Au Tartare, de l'imprimerie de la Liberté; et Paris, s.d. Pp. 8). Aspersions on Brienne.

Déclaration du roi, qui ordonne que l'assemblée des états généraux aura lieu dans le courant de janvier de l'année 1789, et que les officiers des cours reprendront l'exercice de leurs fonctions. Donnée à Versailles, le 23 septembre 1788. Registrée en la cour des aides, le 24 septembre 1788.

Les déjeunés de Guise-Land (Londres, 1788. Pp. 146).

Délibération de l'assemblée de la noblesse de Dauphiné tenue à Grenoble les 25, 26 et 27 août 1788, et présidée par M. le comte de Morges (S.l.n.d. Pp. 6).

Délibération et remontrances du corps de la noblesse de Provence (S.l.n.d. Pp. 12). On page 3 appears the date August 17, 1788.

Dialogue entre deux ignorants bons citoyens, et attachés de bonne foi l'un au roi, l'autre aux parlements. Juillet 2788 [sic] (S.l.n.d. Pp. 32). The date seems to be July, 1788.

Discours au roi, prononcé à Versailles, par M. l'archevêque de Narbonne, à la clôture de l'assemblée du clergé, le dimanche 27 juillet 1788. Suivi de la réponse du roi (S.l.n.d. Pp. 10).

Discours prononcé devant le roi par MM. les députés et commissaires des états de Bretagne, M. l'évêque de Dol portant la parole, le 30 juillet 1788 (S.l.n.d.).

Discours prononcé le 2 septembre 1788, par le peuple de Pau, à monsieur le marquis de Lons, maréchal des camps et armées du roi, lieutenant pour sa majesté en Navarre et Béarn (S.l.n.d. Pp. 8).

Dissertation sur le point de savoir si le roi de France a le droit exclusif d'assembler les états généraux (S.l., 1788). Another edition bears the title *Dissertation sur le droit de convoquer les états généraux, tirée des capitulaires, des ordonnances du royaume et des autres monuments de l'histoire de France* (S.l.n.d. Pp. 62).

Les droits du peuple (S.l.n.d. Pp. 22). On page 12 is a reference to the decree of July 5, 1788. Radical pamphlet; shows little reverence for the king and queen.

Les droits nationaux et les privilèges du Dauphiné mis en parallèle avec les nouveaux actes transcrits militairement sur les registres des cours souveraines du royaume, le mois de mai dernier (S.l.n.d. Pp. 32).

Entretiens de Zerbès, roi de Lydie, et de son ministre, sur la situation des affaires de son royaume. Questions soumises à l'examen des cabinets politiques, dédiées aux puissances de l'Europe (Berne, 1788. Pp. xiv + 99). By J.-F. André, according to Barbier.

Entretien entre un paysan et un voyageur en Bretagne (S.l.n.d. Pp. 16). August 14, 1788, according to a manuscript note. Concerning the decrees of May 8, 1788.

Essai historique sur les états généraux, et avis à la nation (S.l., 1788. Pp. 36). On page 30 is a reference to the fall of Brienne and the recall of Necker.

Des états généraux, de leur forme et de la cause de leur convocation (S.l., 1788. Pp. 116). In response to the decree of July 5, 1788, which the author says had just appeared (pp. 1-2). The same pamphlet appeared under two other titles: (a) *Forme et cérémonial des états généraux et cause de leur convocation; contenant un recueil historique de tous les états généraux tenus par les rois de France* (S.l., 1788. Pp. 80), and (b) *Précis historique sur les états généraux* (Genève et Paris, 1788. Pp. 116).

Des états généraux et de leur convocation, avec la chronologie des états généraux par Séverson, et l'analyse des fameux états assemblés à Tours, qui comprend l'ordre et les noms des députés par baillages, etc.; un plan nouveau suivi de l'indication

des meilleurs ouvrages imprimés ou manuscrits . . . (Villefranche et Paris, 1788. Pp. 88). Mentioned in *Gazette de France* (No. 66, p. 286) under date of August 15, 1788, and in the *Journal général de France* (No. 99) under date of August 16. The latter gives the localization as Paris, 1788, and the number of pages as 76. Evidently another edition. The pamphlet was written in response to the decree of July 5, 1788. At the end is a bibliography of sixteen pages. For the "suite," see above: *Chronologie raisonnée*, etc.

Extrait du greffe de la sénéchaussée de Marseille (Marseille, chez Brébion, 1788. Bears date of July 30, 1788. Pp. 4).

Forme et cérémonial des états généraux et cause de leur convocation. See above: *Des états généraux, de leur forme et de la cause de leur convocation*.

Fragments sur l'histoire de France. Règne de Louis XVI (Londres, 1788. Pp. 14).

La France régénérée, ouvrage publié par numéros, par M. Brun de la Combe, prêtre, licencié ès loix, etc. (Londres et Paris, 1788. Pp. 35). At the end of the pamphlet this appears: "Achevé le 28 juillet; livré à l'impression le 2 septembre; et présenté, le 8 du même mois, au roi, à la famille royale et aux ministres d'état." Written in response to the decree of July 5, 1788. For another pamphlet by the same author, see below, Section (c), *Aux notables assemblés*, etc.

Je m'en rapporte à tout le monde, ou réflexions impartiales sur les affaires actuelles (Londres, 1788. Pp. 126). On page 16 the following appears in a foot-note: "Depuis que ces réflexions sont sous presse, il a paru un arrêt du conseil qui fixe la tenue des états généraux au premier mai prochain." This is a reference to the decree of August 8, 1788. Pamphlet mentioned in *Gazette de France* (No. 69) under date of August 26, 1788. Criticizes the behavior of the parlements in regard to the decrees of May 8.

Lettre à monseigneur de Lamoignon, garde des sceaux (S.l.n.d. Pp. 8). Scurrilous. Hardy, in his "Journal," mentions this pamphlet under date of September 11.

Lettre à un duc et pair (S.l.n.d. Pp. 4). The letter is dated September 8. Mentioned by Hardy under date of September 16.

Lettre adressée au roi par la noblesse de Franche-Comté (June 4, 1788).—*Réponse de M. le principal ministre . . . à la noblesse de Franche-Comté . . . le 14 juin 1788*.—*Procès-verbal rédigé par la noblesse de Franche-Comté assemblée au prieuré de Saint-Renobert, le 10 septembre 1788*.—*Seconde lettre adressée au roi par la noblesse de Franche-Comté, datée du 12 septembre 1788 . . .* (S.l.n.d. Pp. 26).

*Lettre d'un citoyen à M. le comte de*** sur la conduite du ministre principal, sur l'arrêt du conseil du 5 juillet 1788, et sur l'autorité des états généraux* (S.l.n.d. Pp. 20).

Lettre d'un gentilhomme bourguignon à un gentilhomme breton.—*Remontrances projetées pour l'assemblée de la noblesse de Bourgogne, août 1788* (S.l.n.d. Pp. 48).

Lettre de la commission intermédiaire de Bretagne, à M. Necker, ministre des finances. Du 2 septembre 1788 (Rennes, N.-P. Vatar, s.d. Pp. 7). Another edition has thirteen pages.

Lettre de Michel Blanchard, magister du village de Moivreux; à monseigneur Georges de France de Pompiignan, archevêque de Vienne (S.l.n.d. Pp. 12). At the end: "8 août 1788."

! *Lettre de MM. clergé, de la noblesse et autres notables citoyens de Grenoble, au roi* (S.l.n.d.). Letter bears the date of July 2.

*Lettre de M. le baron de*** à M. le chevalier de*** du château de***, ce 19 juillet 1788* (S.l.n.d. Pp. 12).

Lettre de M. le premier président de la chambre des comptes de Dauphiné, au roi . . . 9 juillet 1788 (S.l.n.d. Pp. 24).

Lettre des commissaires de la colonie de Saint-Domingue, au roi (Paris, s.d. Pp. 8). Dated August 31. Submitted to the minister of marine on September 4. Petition for a colonial representation in the Estates General.

Lettre du comte de Sanois à M. Necker, sur son rappel au ministère, sur le prompt rétablissement de la justice, et la prochaine convocation des états généraux (Yverdon, 1788. Pp. 8). At the end: "A Neuchâtel en Suisse le 2 de septembre 1788. Imprimé à Yverdon 1788."

Lettre du pape au roi, envoyée de Rome le 7 septembre 1788 (S.l.n.d. Pp. 7). Sarcastic pamphlet against Brienne.

Lettre écrite au roi, le 28 août 1788, par la commission intermédiaire des états généraux de Bretagne, concernant l'éloignement du principal ministre et la situation du royaume (Rennes, 1788. Pp. 4). At least three editions.

Lettre écrite au roi par les trois ordres de la province de Dauphiné assemblés à Romans, le 14 septembre 1788 — *Lettre écrite à M. Necker* . . . (S.I.n.d. Pp. 8).

Lettres à M. Necker, ministre d'état et directeur général des finances (S.I.n.d. Pp. 27). Two letters, one dated August 5 and the other August 28. Each letter is signed "B***." The author was Baumier (see *Protestation contre la forme des états généraux de 1614* . . . [S.I., 1788], p. 3).

Lettres au roi et à M. Necker, par les états de Dauphiné (S.I.n.d. Pp. 12). At the end: "Romans, ce 14 septembre 1788."

*Lettres d'un citoyen des Etats-Unis à un français sur les affaires présentes, par M. le M*** de C**** (Philadelphia, 1788). Two letters with separate pagination, 16, 22. At the end of the second letter this appears: "J'achevais cette lettre lorsque l'arrêt du conseil sur la convocation des états généraux a paru. La nation est consultée sur la forme de cette assemblée d'une manière aussi régulière que sa constitution actuelle peut le permettre." The reference is to the decree of July 5. The author was Condorcet. Mentioned by Jefferson in a letter to James Madison, July 31, 1788 (Bergh, VII, 96). Also in *Correspondance de Grimm et de Diderot*, under date of October, 1788 (XIV, 161).

*Lettres de M. le marquis de*** à un français retiré à Londres* (9 juin—12 juillet) (Amsterdam, 1788. Pp. 91).

Mémoire adressé au roi par la noblesse de la province de Guienne, Gascogne et Périgord, au sujet des opérations ministérielles du 8 mai 1788 (25 juin—27 août 1788) (En Guienne, 1788. Pp. 32).

*Mémoire au roi, par M. le comte de***, publié par des motifs que la suite des événements apprendra* (S.I., 1788. Pp. 9). On page 5 is a reference to June 20. Published probably in July.

Mémoire du clergé au roi (S.I.n.d. Pp. 8). The clergy was in session at Paris in July.

Mémoire présenté au roi, à Versailles, par MM. les cinquante-trois députés des trois ordres de la province de Bretagne, le 31 août 1788. Suivi de la lettre écrite au roi par la commission intermédiaire des états de Bretagne . . . (S.I., 1788. Pp. 18). In another edition the *mémoire* appears without the *lettre*.

Mémoire remis au roi, le 30 juillet 1788, par les députés et commissaires des états de Bretagne.—*Discours fait au roi par M. l'évêque de Dol, à la tête des députés, en lui présentant le mémoire ci-dessus* (En Bretagne, 1788).

Mémoire sur la prochaine tenue des états généraux et sur les objets qui doivent y être mis en délibération, par M. D. L. C. (A Villefranche, et se trouve à Paris, chez les marchands de nouveautés, 1788. Pp. 15). Another edition has twenty-four pages and bears the author's name: "M. De La Croix, avocat au parlement." The localization is the same as above. In the Archives Nationales, BA 3, there is a manuscript copy of this pamphlet signed by Delacroix. In the same carton is a printed copy, around which is folded a letter signed by Delacroix and addressed to Necker. The letter states that the pamphlet was ready for the printer on July 31, 1788. Mentioned in the *Journal général de France* (No. 121) under date of October 7, and given nineteen pages. Evidently another edition. Written in response to the decree of July 5.

Mémoire sur les états généraux, où l'on a réuni tous les détails relatifs à la convocation aux assemblées de bailliages, de villes et de paroisses, au nombre et à la qualité des députés, enfin à la confection des cahiers et à la forme de délibération que l'on suit dans les états . . . (Lausanne et Paris, 1788. Pp. vi + 188). On page 1 is the author's name, L'Abbé Desprez. Written in response to the decree of July 5, the manuscript of this pamphlet was read by the author to the Assembly of the Clergy of France on August 5. In place of a preface a letter appears dated at Paris, September 4, 1788. Mentioned in the *Journal général de France* (No. 137, p. 545) under date of November 13, 1788.

M. de Calonne justifié juridiquement sur la refonte des louis, ou résultat des expériences faites authentiquement sur les anciens louis . . . (S.I., 1788. Pp. 35). Dated August 5, 1788.

Nous sous-signés, présidents, conseillers, gens du roi, greffier en chef, et officiers du parlement de Paris, justement alarmés de l'annonce d'un lit de justice prochain . . .

(S.I.n.d.). This is the protest of the Parlement of Paris, on September 12, 1788, against the bed of justice set for the 15th.

Nouvelle conférence entre un ministre d'état et un conseiller au parlement (S.I.n.d. Pp. 36). Mentioned by Hardy in his "Journal" under date of October 3.

Observations sur l'arrêt du conseil du 5 juillet 1788 (S.I.n.d. Pp. 3).

Oraison funèbre de monseigneur l'archevêque de Sens, déplacé du ministère le 28 août 1788 (S.I.n.d. Pp. 4).

Précis historique des états généraux, extrait de la table générale des matières des 30 vol. . . de l'histoire de France de MM. Velly, Villaret et Garnier . . . (par Ron-donneau de la Motte) (Paris, 1788. Pp. 24).

Précis historique sur les états généraux. See above: *Des états généraux de leur forme et de la cause de leur convocation*.

Précis historique des événements de Bretagne, troisième partie (20 juin-31 juillet 1788) (Rennes, s.d.).

Le président Dupaty aux Champs-Élysées (S.I., 1788. Pp. 31). On page 11 is a reference to the recall of Necker.

Le président Dupaty; suivi d'une conférence entre un ministre d'état et un conseiller au parlement, depuis la dernière révolution en France (S.I., 1788. Pp. 41).

Protestations que la noblesse de Toulouse a remises à M. le comte de Périgord, le 20 juillet 1788, et lettre de M. le marquis de Gudanès à M. le baron de Breteuil (S.I.n.d. Pp. 16).

Recherches curieuses et instructives sur les états généraux, qui donnent une juste idée des droits qui appartiennent aux différents ordres, et dans lesquelles on trouvera les formalités qui sont en usage dans lesdits états; ouvrage utile à tout le monde et principalement aux membres qui doivent composer la prochaine assemblée (Amsterdam et Paris, 1788. Pp. 95). Mentioned in *Journal général de France* (No. 130, p. 517) under date of October 28, 1788.

Recherches historiques sur la forme des séances royales (S.I.n.d. Pp. 34).

Recherches sur les états généraux (S.I.n.d. Pp. 60). The author says nothing about the decree of July 5 but a good deal about the decrees of May 8, 1788. His last sentence indicates that when he wrote the parlements were still suspended from their functions; they were reinstated by Necker on September 23.

Récit de ce qui s'est passé à Pau le 13 juillet 1788, à l'arrivée de M. le duc de Guiche; et horangue du peuple béarnais en lui présentant le berceau d'Henri IV.—Délibérations de la ville de Grenoble, des 30 juin, 20 et 2 juillet 1788; et lettre écrite au roi par les citoyens des trois ordres de la même ville.—Réclamation des gentilshommes du Roussillon au roi (S.I.n.d.).

Récit de ce qui s'est passé dans les deux tribunaux du bailliage de Bar-sur-Seine, à l'occasion des enregistrements des édits, ordonnance et déclaration du 8 mai 1788 (20 mai-14 juillet) (S.I.n.d.).

Réclamation du tiers état au roi (S.I., 1788. Pp. 8).

Recueil de pièces intéressantes (Sens, 1788. Pp. 124). On page 117 is a reference to July 3, 1788.

Réflexions d'un négociant sur la convocation prochaine des états généraux (S.I., 1788. Pp. 14). Written after July 5 (p. 2).

Réflexions sur la forme de la convocation des états généraux (S.I.n.d. Pp. 16).

Réflexions sur monseigneur l'archevêque de Sens (S.I.n.d. Pp. 8). Eulogy of Brienne.

Relation de ce qui s'est passé à Grenoble, le 18 septembre 1788 (S.I.n.d.).

Relation exacte et détaillée de ce qui s'est passé à Paris, à l'occasion de la retraite de M. de Lamoignon, et des excès auxquels s'est livré la populace, depuis le 14 septembre jusqu'au mercredi 17, au soir (S.I.n.d. Pp. 7).

Réponse du roi à MM. les députés des états de Bretagne, le 31 juillet 1788 (S.I.n.d.).

Représentations adressées au roi par la noblesse de Toulouse, du 20 juillet 1788 (S.I.n.d. Pp. 8).

Représentations des trois ordres de la province de Dauphiné, du 22 juillet 1788. (In manuscript, White Library, Cornell University, 491 C 29.)

Résultat des assemblées provinciales, à l'usage des états d'une province (Bruxelles, 1788). At the end: "Fin d'imprimer le 28 août 1788."

La satire universelle; prospectus dédié à toutes les puissances de l'Europe (Paris,

1788. Pp. 33). The authors, according to Barbier, were J.-A.-J. Cérutti and P.-A. Grouville. Mentioned in *Correspondance de Grimm et de Diderot*, XIV, 146.

Seconde lettre du cardinal de Fleury au conseil du roi (Amsterdam, 1788. Pp. 22). Dated: "Champs-Élysées, juillet 1788."

Sentence du Châtelet de Paris, rendue la compagnie assemblée (17 septembre). Against popular disorders in the city.

Sentiments d'un républicain sur les assemblées provinciales et les états généraux; suite des "Lettres d'un citoyen des États-Unis à un français sur les affaires présentes" (Philadelphie, 1788). By Condorcet. See above: *Lettres d'un citoyen*, etc.

Songe d'un bon citoyen français, suivi de la "Lettre d'un anglais" (Londres, 1788). The "Lettre d'un anglais" is dated at London, July 15, 1788.

La tête leur tourne (Londres, 1788. Pp. 38).

Très humbles et très respectueuses représentations de l'ordre des avocats au parlement de Bretagne, au roi (9 août 1788) (S.l.n.d. Pp. 55).

Très humbles remontrances des femmes françaises (En France, de l'imprimerie galante, 1788. Pp. 14). A parody on the remonstrances of the clergy on July 5, 1788.

Troisième lettre du cardinal de Fleury au conseil de Louis XVI, contenant un moyen sûr et facile de couvrir promptement le déficit, sans impôts, sans emprunts, et sans faire de mécontentés (Champs-Élysées, août 1788. Pp. 32).

Véritable patriotisme (S.l., 1788. Pp. 40). On pages 3-4 of a pamphlet entitled *Société patriotique. On procéda à l'élection d'un président, et M. Durand fut unanimement élu* (S.l.n.d.), these words occur: "Discours de M. Soulès. . . . Cette société m'a fait la grâce de me dire que dans mon pamphlet intitulé le *Véritable patriotisme*, publié sous le règne despotique de l'Archevêque, j'avais donné les moyens les plus praticables d'administrer le royaume de France." This would indicate that the pamphlet was published in July or August, or earlier.

Le voyageur consultant la maladie épidémique qui règne en France sur l'administration de la justice (S.l.n.d. Pp. 48). Defends the judiciary reforms of May 8, 1788, and condemns the conduct of the parlements. On pages 25 and 41 are references to the decree of August 8, 1788.

(b) *Pamphlets Published between September 25 and November 6, 1788.*

A qui voudra me lire (S.l.n.d. Pp. 7). At the end: "Le Comte Duprat, colonel d'infanterie, ci-devant commandant pour le roi à Mahé avant qu'il fût rendu aux anglais. Octobre, 1788." Discusses the decrees of October 5.

Adresse au peuple languedocien, par un citoyen du Languedoc (S.l.n.d. Pp. 29). On page 20 is a reference to the constitution of Dauphiné which was drafted at Romans during September, 1788. Discusses the reform of the estates of Languedoc.

Arrêt du conseil d'état du roi, portant règlement pour la nouvelle formation des états de la province du Dauphiné (22 octobre) (S.l.n.d.).

Arrêt du conseil d'état du roi, qui casse et annule celui du parlement de Paris du 24 du même mois, ensemble la dénonciation et la plainte de M. le procureur général (28 septembre) (S.l.n.d.).

Arrêt de la cour de parlement, rendu les chambres assemblées, les pairs y étant, qui fait défenses à toutes personnes de s'attrouper, de lancer aucuns pétards et fusées . . . porter aucunes armes ou instruments pouvant troubler l'ordre et la tranquillité publique dans aucunes des rues . . . de Paris, etc. (S.l.n.d.).

Arrêté de la cour du parlement de Bretagne. Extrait des registres de parlement, du 14 octobre 1788, chambres assemblées (S.l.n.d.).

Avis au tiers état (Londres, 1788. Pp. 54). Written after September 25 (pp. 2, 11, 14). Another edition has the following title: *Avis au tiers état, suivi de trois lettres sur la forme des états généraux* (Londres, 1788. Pp. 77). Among the letters is that written by the three orders of Dauphiné to the *syndics-généraux* of the estates of Béarn on October 24. The author calls himself a Breton. Wants the privileges of the nobility limited but not abolished.

Avis aux états de Dauphiné, séants à Romans (S.l.n.d. Pp. 16). A subtitle: *Abus à corriger. Liste d'abus à corriger*. 1788.

Avis important sur le ministère et sur l'assemblée prochaine des états généraux (S.l., 1788. Pp. 48). Another edition has forty-seven pages and still another sixty-one pages;

all are dated 1788. In the edition of sixty-one pages the author's name appears as M. Deamulins, but there is stronger evidence that Rabaut de Saint-Etienne was the author (cf. Dardier, *Paul Rabaut, ses lettres à divers*, II, 375). Also see below: *Considérations très importantes sur les intérêts du tiers état*, etc.

Catéchisme du citoyen, ou éléments du droit public français, par demandes et réponses; suivi de "Fragments politiques," par le même auteur (En France, 1788. Pp. 220). Barbier attributes this pamphlet to Saige and adds: "C'est une nouvelle édition; la première est de 1785. Il en existe une autre de Genève (Bordeaux), 1787." The author may have been Bosquillon (see below: *Code national*, etc.).

Code national dédié aux états généraux (Genève, 1788. Pp. iv + 233). Barbier attributes this pamphlet to Charles Pierre Bosquillon, avocat au parlement de Paris, and gives Paris as the place of publication. On page 80 is a reference to the decree of October 5, and on pages 90, 94-95, there is evidence that the pamphlet was composed before the Notables had even reached any preliminary opinions. Hardy, in his "Journal," mentions the *Code* under date of November 28 and calls it a republication of a much older pamphlet entitled *Manuel du citoyen*. Another edition bears the following title: *Code national, ou manuel français, à l'usage des trois ordres, et principalement des députés aux prochains états généraux; par l'auteur du "Catéchisme du citoyen," et pour servir de suite à cet ouvrage* (En France, 1789. Pp. 192). (See above: *Catéchisme du citoyen*, etc.)

La chute des trois corps (S.l.n.d. Pp. 14).

Considérations sur les dettes de l'État, par un ancien officier (S.l.n.d. Pp. 37). On page 30 is a reference to September 27, 1788. Opposed to bankruptcy.

Considérations très importantes sur les intérêts du tiers état, adressées au peuple des provinces, par un propriétaire foncier (S.l., 1788. Pp. 72). The Bibliothèque Nationale has three editions of this pamphlet and each edition has the following "Avis du libraire": "Cet ouvrage a été composé en Languedoc, où il a eu trois éditions dans huit jours. Nous avons cru qu'il pouvait être utile à Paris de savoir comment on pense dans les provinces aussi. . . ." In some editions the words "très importantes" are omitted from the title, and in at least one edition the title indicates that the pamphlet was written "par l'auteur de l'Avis important sur le ministère et sur l'assemblée prochaine des états généraux." Cf. Dardier, *Paul Rabaut, ses lettres à divers*, II, 374. According to Barbier, the author was Jean-Paul Rabaut de Saint-Etienne. The date of publication can be fixed approximately by a reference on page 5 to the declaration of September 23 and on page 15 to the approaching assembly of Notables.

De la convocation de la prochaine tenue des états généraux en France, par M. Lacrestelle (S.l., 1788. Pp. 50). Mentioned in *Gazette de Leyde* under date of November 14, 1788. On page 2 these words occur: "Procès . . . décidé dans moins de deux mois." From the context it is clear that this is a reference to the declaration of September 23, 1788. At least one edition is anonymous.

De la convocation des états généraux (S.l.n.d. Pp. 36). By Jean-Claude de La Métherie, docteur en médecine, according to a manuscript note on the copy in the Bibliothèque Nationale. On page 12 occur these words: "la forme . . . que le parlement de Paris vient de réclamer." This refers to the action of the Parlement on September 25 and indicates that the pamphlet was composed in October, 1788.

Copie de la lettre adressée, le 17 octobre 1788, aux commandants des régiments d'Austrasie et de Royal-la-Marine, partant de Grenoble, le premier le 18, pour Briançon, le second le 22, pour Vienne et Romans (S.l.n.d.).

Délibération de la viguerie de Tarascon en Provence concernant la représentation du tiers état aux états généraux du royaume . . . 29 octobre 1788 (S.l.n.d. Pp. 16).

Délibération des officiers de l'élection de Tours, par laquelle ils ont arrêté de ne point communiquer avec Sieur Japhet, leur président, tant à cause de sa conduite indécente et malhonnête vis-à-vis de ses confrères, que parce qu'il avait pris place dans le grand bailliage de cette ville. Du samedi 4 octobre 1788 (S.l.n.d. Pp. 3).

Demande en prise à partie contre le ci-devant grand bailliage de Beauvais . . . 1^{er} octobre (S.l.n.d. Pp. 46).

Le despotisme des parlements, ou lettre d'un anglais à un français, sur la révolution opérée dans la monarchie française par l'enregistrement de la déclaration du 23 septembre 1788, fait dans les divers parlements du royaume (Londres, 1788. Pp. 28).

Détail de ce qui s'est passé à la rentrée du parlement de Dijon, le 15 octobre 1788 (S.l.n.d.).

Détail de ce qui s'est passé à Pau, à la rentrée du parlement. (14 octobre) (S.l.n.d.).
Détail de ce qui s'est passé en Bretagne lors de la rentrée du parlement (30 septembre-14 octobre) (S.l.n.d.).

Dialogue entre son excellence monseigneur l'archevêque de Sens et le sieur Chrétien de Lamoignon; avec l'Épître du Diable à ces deux ex-ministres (S.l.n.d. Pp. 24).

Dialogues entre un français et un anglais sur l'état actuel et l'état à venir de la France, publiés par M. le Franc (Lausanne, 1788, Pp. 223). Written after October 5 (pp. 71, 95, and 192) and before December 27 (p. 7). On page 114 is a reference to the estates of Dauphiné "qui viennent d'être formés." Published probably in October.

Discours de M. Duclos du Fiesnoy, syndic géant des notaires au Châtelet de Paris, sur l'offre d'un crédit de six millions, prêtés au roi, par la compagnie des notaires (13 octobre) (Paris, 1788, Pp. 24).

Discours de M. Le Couteux, premier président de la cour des comptes, aides et finances de Normandie, à la rentrée de cette compagnie, le 7 du courant (S.l.n.d. Pp. 7).

Discours de M. le premier président [d'Aligre], au Châtelet, le 25 septembre 1788. . . Réponse du roi, du 26 . . . (S.l.n.d. Pp. 2).

Discours de M. le procureur du roi de l'élection de Paris, en requérant l'enregistrement de la déclaration du 23 septembre 1788. Extrait des registres de l'élection, du 25 septembre 1788 (S.l.n.d. Pp. 7).

Discours de M. Savoye de Rollin, avocat général au parlement de Dauphiné, prononcé lors de la séance ce cette cour, du 21 octobre 1788, pour l'enregistrement et la publication de la déclaration du 104, du 23 septembre 1788 . . . (S.l.n.d. Pp. 18).

Discours prononcé à l'audience de la chambre des vacations, 1^{er} octobre 1788, par M. Carnot (S.l.n.d. Pp. 4).

Discours prononcé à la cour des aides, le 8 octobre 1788, par M. Pierre-Paul-Alexandre Bouchotte (S.l.n.d.).

Discours prononcé au parlement . . . par M. Antoine-Joseph Lévrier . . . le 27 septembre 1788 (S.l.n.d. Pp. 4).

Discours prononcé au parlement, à la chambre des vacations, le 1^{er} octobre 1788, par M. Pierre-Paul-Alexandre Bouchotte . . . (S.l.n.d. Pp. 7).

Discours prononcé au parlement, toutes les chambres assemblées, les pairs y étant, le 24 septembre 1788, par M. Mathurin-Jean-Bapt. Le Brun . . . (S.l.n.d. Pp. 6).

Discours prononcé le 14 octobre 1788, par la peuple de Pau à M. le marquis de la Case, premier président au parlement (S.l.n.d. Pp. 6).

Discours prononcé, le 24 octobre 1788, par M. Dupont . . . à l'ouverture des audiences de la chambre des vacations de la cour des aides . . . (S.l.n.d.).

Discours prononcé le 30 septembre 1788, par M. Minier . . . à l'ouverture du rôle de la chambre des vacations . . . (S.l.n.d. Pp. 4).

Discours prononcé par le sieur Vasse, procureur du roi au bailliage de Rouen, à la rentrée de son siège, 1788 (S.l.n.d.).

Discours prononcé à la rentrée du parlement de Normandie, du octobre 1788 (S.l., 1788).

Discours sur la constitution française, ou réponse à ces deux questions: Quels sont en France les caractères essentiels à la souveraineté? Et pour que l'impôt soit légitime, par qui doit-il être établi? par M. B. (Genève, 1788, Pp. 120). Written after the fall of Brieenne (pp. 49 and 58).

Dissertation sur les assemblées nationales, sous les trois races des rois de France, par M. le comte de Lauraguais (Paris, le 10 octobre 1788, Pp. 103). For another pamphlet by the same author, see below: *Recueil de pièces historiques, etc.*

Du 20 octobre 1788. Charges données à MM. les députés de la ville et communauté de Rennes, par l'assemblée municipale de ladite ville, . . . (S.l.n.d.).

L'écho de l'Elysée ou dialogue de quelques morts célèbres sur les états généraux de la nation et des provinces (S.l., octobre 1788, Pp. 111). The author, according to Barbier, was Dingé, "ancien bibliothécaire du prince de Condé."

Esprit des opérations des trois ordres du Dauphiné, depuis le 10 mai 1788, jusqu'à ce jour. At the end: "le premier octobre 1788" (Pp. 15). Distributed among the Notables, according to Hardy.

Essai conciliatoire sur la forme des états généraux (S.l.n.d. Pp. 38). Written after October 5 (p. 4 et passim). Recommends vote "par ordre."

Essai sur la manière de composer et de convoquer les états généraux (S.l.n.d. Pp. 46). On page 5 is a reference to the decree of October 5.

Les états généraux convoqués par Louis XVI (S.l.n.d. Pp. 75). The author, according to Barbier and much contemporary evidence, was Guy-Jean-Baptiste Target, avocat au parlement de Paris and member of the Académie Française. Written toward the end of October (pp. 3-4, 13, 36). About the middle of November appeared a "suite" (see below, Section (c)) and in December a second "suite" (see below, Section (d)).

Des états généraux, ou histoire des assemblées nationales en France, des personnes qui les ont composées, de leur forme, de leur influence, et des objets qui y ont été particulièrement traités, par M. de Landine, avocat . . . (Paris, 1788. Pp. xxii + 279). Mainly historical. A committee of the Academy of Lyons approved the manuscript on August 19, 1788; but publication was delayed until about November 1. Hardy, in his "Journal," mentions the pamphlet under date of November 22. In Series C 9, CII 27-29 (Archives Nationales), there is some correspondence with reference to it. An unsigned letter, dated November 8 and addressed to "M. de Landine, à Lyon," acknowledges receipt of a copy of the pamphlet.

Examen du pouvoir des états généraux, etc. See below: *Idées d'un citoyen sur les moyens de connaître promptement*, etc.

Exposition des objets discutés dans les états généraux de France, depuis l'origine de la monarchie, par M. le marquis de S*** (S.l., 1788. Pp. 180). Another edition of this pamphlet is without date. Still another bears the localization "Londres et Paris, 1789." Written avowedly in response to the decree of July 5, 1788, it was on the point of going to the press when the decree of October 5 appeared. The author, according to Barbier, was the Marquis de Sérent.

Extrait d'un plaidoyer prononcé devant M. le lieutenant civil, par M. Jacquinot . . . le 27 septembre 1788 (Paris, s.d. Pp. 4).

Extrait des registres de l'hôtel de ville de Mours, du 9 octobre 1788 (S.l.n.d.).

Extrait des registres du parlement de Bretagne, sur la déclaration du roi, qui ordonne que l'assemblée des états généraux aura lieu dans le courant de janvier de l'année 1789 . . . (11 octobre) (S.l.n.d.).

Fête publique qui sera donnée à Dijon, les 14, 15 et 16 octobre 1788, au sujet de la rentrée du parlement et des autres cours de cette ville (S.l.n.d.).

De la foi publique envers les créanciers de l'Etat. Lettres à M. Linguet sur le No. 116 de ses "Annales," par M*** (Londres, 1788. Pp. xxxii + 184). On page 110 is a reference to October 24, 1788. The author, according to Barbier, was Etienne Clavière. This is confirmed by Brissot de Warville in his *Plan de conduite pour les députés du peuple aux états généraux de 1789* (S.l., avril 1789), pp. 215, 267. Opposed to bankruptcy.

Forme générale et particulière de la convocation et de la tenue des assemblées nationales ou états généraux de France, justifiée par pièces authentiques, première partie (Paris, 1789. Pp. xlviii + 200). This pamphlet is the first part of an elaborate piece of historical research undertaken in response to the decree of July 5. It was just on the point of going to the press when the decree of October 5 appeared (p. 189). Hardy mentions it in his "Journal" under date of December 3, 1788, and says that it was written by two young magistrates of the Parlement of Paris, De Lalourcé and Duval fils, and that it was dated 1789 "par anticipation." According to Barbier, the authors were Lalourcé and Duval, "conseillers au Châtelet." The *Journal général de France* (No. 137, p. 545) mentions the pamphlet under date of November 13, 1788.

Le Grand Bailliage, comédie historique, en trois actes et en prose, représentée à Rouen, depuis le 8 mai 1788 jusqu'au 9 octobre de la même année, par une troupe de baladins qui a été sifflée par tous les bons citoyens (Hericart et Rouen, 1788).

Le Grand Bailliage de Lyon, comédie en un acte et en prose; par M. Billenas, greffier; représentée par MM. les officiers audit siège, le . . . 27 septembre 1788 (Lyon, s.d. Pp. 32).

Idées d'un citoyen sur les moyens de connaître promptement, par le vœu de la nation, la forme et la composition à donner aux états généraux (S.l., 1788. Pp. 28). On page 21 these words occur: "L'ouverture de l'assemblée des notables se fera le 3 novembre prochain." Another edition of this pamphlet bears the title *Examen du pouvoir des états généraux, précédé des moyens de connaître promptement le vœu de la nation entière, pour leur donner une composition légale et pour réformer les lois* (S.l., 1788. Pp. 34).

Idées d'un citoyen, sur les moyens d'établir un ordre invariable dans différentes parties de l'administration (S.l.n.d. Pp. 24).

Instructions sur la conduite à tenir dans les états généraux, par les représentants des provinces (S.l.n.d. Pp. 4). At the end: "Fait à Paris le 22 octobre 1788."

Journal de ce qui s'est passé à Toulouse, à l'occasion de la rentrée du parlement (2-23 octobre) (S.l.n.d.).

Lettre à M. d'Esprémesnil, à l'occasion de la reprise des fonctions du parlement (S.l., 1788. Pp. 31). The letter begins: "A Paris, ce 30 septembre 1788," and is signed "R. Bt."

Lettre à un plébéien, au sujet de l'assemblée des états généraux (S.l.n.d. Pp. 45). At the end: "Ca 20 septembre 1788."

Lettre au chartroux qui croit avoir deviné un des motifs de l'enregistrement du parlement du 25 septembre 1788 (S.l.n.d. Pp. 16). At the end: "Paris, ce 6 octobre 1788." This pamphlet is a reply to another entitled *Réflexions d'un chartroux*, etc. (see below).

Lettre au peuple, au projet d'une caisse patriotique; par une citoyenne (Vienne et Paris, 1788. Pp. 31). By Olympe de Gouges, according to Barbier. Mentions the recall of Necker, which took place on August 26, 1788.

Lettre d'un citoyen de l'ordre du tiers, à l'assemblée des notables, servant de réponse aux "Observations" du parlement (S.l., octobre 1788. Pp. 25). Another edition is dated November. This pamphlet appears in *Œuvres de Jérôme Pétion* (Paris, l'An premier de la République, 4 vols.), II, 7-35. The editors of the *Œuvres* (pp. v-vi) say that Pétion wrote this pamphlet in a single night and that it was burned by order of the Parlement of Paris. It is a response to the *Observations sur l'arrêt du conseil du 5 octobre 1788* (see below). For another pamphlet by Pétion, entitled *Avis aux français*, see below, Section (d).

Lettre d'un observateur philosophe à M. Necker (S.l.n.d. Pp. 48). Signed: Candide.

*Lettre de Jacques Menassier, bourgeois de Paris, à Christophe Menassier son frère, habitant du village de*** en Champagne* (6 octobre) (S.l., 1788. Pp. 19).

Lettre de madame la comtesse Louise de Kératry, au maréchal de Stainville (S.l.n.d. Pp. 8). Dated: Rennes, 3 octobre 1788. On troubles in Brittany.

*Lettre de M. de Lamoignon à M***, conseiller d'état* (S.l.n.d. Pp. 4). Spurious.

Lettre de M. de Lessart à M. N. (S.l.n.d. Pp. 14). Spurious. Humorous and sarcastic.

Lettre écrite par plusieurs citoyens du clergé, de la noblesse et des communes de Dauphiné, à MM. les syndics-généraux des états de Béarn (S.l.n.d. Pp. 7). At the end: "Grenoble, le 24 octobre 1788."

Lettre ou mémoire historique sur les troubles populaires de Paris, en août et septembre 1788, avec des notes, par M. Charon (Londres, 1788. Pp. 60).

Manière équitable et juste de convoquer et d'assembler les états généraux (Amsterdam, 1788. Pp. 60). The subtitle, or "title of departure," of this pamphlet is as follows: *Vœu d'un citoyen ou projet sur la manière de convoquer et d'assembler les états généraux*. Another edition has only this subtitle (see below).

Mémoire à l'appui de la réclamation du pays de Gévoudan, pour être maintenu dans le droit d'être convoqué aux états généraux, et d'y députer d'une manière distincte et séparée comme les autres pays et sénéchaussées qui composent la vaste province de Languedoc (30 septembre) (Mende, s.d.). By the Abbé de Siran, according to Barbier.

Mémoire concernant la députation aux états généraux (S.l.n.d. Pp. 14). On page 9 is a reference to the arrêt of September 25, 1788.

Mémoire de la noblesse de Franche-Comté au roi, du premier octobre 1788 (S.l.n.d. Pp. 47).

Mémoire et pièce justificative et décisive à l'appui de la réclamation du pays de Gévoudan, pour être maintenu dans le droit d'être convoqué aux états généraux et d'y députer d'une manière distincte et séparée . . . (Mende, 1788. Pp. 72).

Mémoire sur les états généraux, leurs droits et la manière de les convoquer (S.l., 1788. Pp. 279). In what seems to be a reprint of this pamphlet, made in 1788, the author's name is given as "M. le Comte d'Ant. . . ." In 1789 appeared a "nouvelle édition plus correcte que les précédentes" which gives the author's name as "M. le Comte D'A.N.T.R.A.I.G.U.E.S." This was Emmanuel-Louis-Henri de Launay, Comte d'Antaigues. He composed this pamphlet in the Vivarais during May, June, and July, 1788 (see *L'ordre de la noblesse du Bas-Vivarais, par le comte d'Antaigues, son député aux états généraux*, p. 8), and published the first edition in October, 1788

(see the present *Mémoire*, p. 271), presumably at Paris. Its success was prodigious.

Mémoire sur les formes qui doivent précéder et accompagner la convocation des états généraux; dans lequel on traite toutes les questions proposées dans l'arrêt du conseil du 5 juillet 1788 et plusieurs autres accessoires, par M. Lévrier, lieutenant-général du bailliage-royal de Meullent (S.l., 1788. Pp. 87). The composition of this pamphlet was completed when the decree of October 5 appeared (p. 2). The author was an "avocat au parlement de Paris," and the pamphlet was published, presumably, at Paris.

A mes compatriotes (S.l.n.d. Pp. 15).

Le moniteur (S.l., 1788, Pp. 38). There are at least two other editions: one with fifty pages, dated 1788, and another with forty-eight pages and without date. On page 3 is an indirect reference to the decree of August 8 and the declaration of September 23, and on page 19 is a sentence which seems to refer to the decree of October 5. This pamphlet is not to be confused with a periodical bearing the same title which appeared secretly in 1787 and 1788 and which Barbier attributes to Condorcet, Brissot, and Clavière. The author of the present pamphlet is a defender of the privileged orders. He was, very probably, a member of the Parlement of Paris.

Motion de M. le prince de Conti, au comité de l'assemblée des notables, présidé par Monsieur, du 28 novembre 1788 (S.l.n.d. Pp. 4).

A la noblesse lorraine (S.l.n.d. Pp. 4).

Observations adressées à l'assemblée des notables, sur la composition des états généraux et sur la forme la plus régulière de les convoquer (S.l.n.d. Pp. 66). Referred to in another pamphlet entitled *Éclaircissement à l'amiable* (see below, section (c)), which was written before November 25. A manuscript note on the copy in the Bibliothèque Nationale attributes the *Observations* to Bertrand de Molleville, "intendant de Bretagne." Barbier attributes the pamphlet to the same author.

Observations sur l'arrêt du conseil du 5 octobre 1788, pour la convocation d'une assemblée de notables au novembre prochain (S.l., 1788, Pp. 32). According to Pétion (*Lettre d'un citoyen de l'ordre du tiers*, see above), the author of this pamphlet was a member of the Parlement of Paris.

Observations sur la constitution actuelle des états du Hainaut, lues dans l'assemblée de ces états, le 29 octobre 1788 (S.l.n.d. Pp. 16).

Onguent pour la brûlure, ou observations sur un réquisitoire imprimé en tête de l'arrêt du parlement de Paris, du 27 septembre 1788, rendu contre les "Annales de M. Linguet. Avec des réflexions sur l'usage de faire brûler des livres par la main du bourreau (Londres, 1788. Pp. 32). On page 25 is a reference to October 9. In his *Observations sur le nouvel arrêté du parlement de Paris, en date du 5 décembre 1788*, Linguet lists the *Onguent* among his acknowledged writings.

Petit colloque élémentaire entre M. A. et M. B. sur les abus, le droit, la raison, les états généraux, les parlements, et tout ce qui s'ensuit, par un vieux jurisconsulte Allobroge (S.l., 1788. Pp. 61). On page 58 is a reference to the *arrêté* of September 25. According to Barbier, the author was A.-J.-M. Servan. There were at least three editions, one in 1789.

Pièce justificative et décisive à l'appui du mémoire du pays de Gévaudan, relative-ment au droit qu'il a de députer aux états généraux; suite de quelques faits et observations (Mende, 1788). By the Abbé de Siran, according to Barbier.

Pièces justificatives à l'appui du mémoire du pays de Vivarois, en réclamation de son droit de députer particulièrement aux états généraux (Bourg-Saint-Andéol, 1788).

Plan d'une banque nationale de France, ou d'une caisse générale de recette et de paiement des deniers publics et particuliers (Paris, octobre 1788. Pp. 47).

Plan pour la formation des états du Dauphiné, arrêté et rédigé par les états assemblés à Romans le 14 septembre 1788 (S.l.n.d. Pp. 16).

Principes naturels et constitutifs des assemblées nationales (S.l., 1788. Pp. 117). On page 31 is a reference to the assembly of the three orders of Dauphiné. Hence the date of publication was probably October. The author, according to Barbier, was the Vicomte François-Emmanuel Toulangeon.

Procès-verbal de ce qui s'est passé à la rentrée de la cour des aides de Clermont-Ferrand, le 15 octobre 1788 (Clermont-Ferrand, 1788).

Procès-verbal de l'assemblée générale des trois ordres de la province de Dauphiné, tenue à Romans, par permission du roi (Grenoble, 1788. Pp. 163). Dated September 5-28, 1788.

Procès-verbal rédigé par la noblesse de Franche-Comté, assemblée à Quingey le premier octobre 1788 (S.I.n.d. Pp. 17).

Quelques idées vaille que vaille, ajoutées à tant d'autres, à l'occasion de la prochaine tenue des états généraux, par l'auteur du "Partage de la peau d'ours" (S.I.n.d. Pp. 20). By Biron de La Tour, according to Barbier. A comment, for the most part, on Lacroix's *Mémoire sur la prochaine tenue des états généraux* (see above, Section (a)).

Questions à examiner avant l'assemblée des états généraux, par le marquis de Casaux, de la société royale de Londres et de celle d'agriculture de Florence (S.I., 1788, Pp. 100). On page 85 this appears: "Le post-scriptum qu'on vient de lire n'attendait que le moment d'être imprimé lorsque l'arrêt du 5 octobre a paru." Another edition is anonymous. Mentioned in *Correspondance de Grimm et de Diderot* (XIV, 193) under date of November, 1788.

Recherches et réflexions nouvelles sur la convocation et la composition des états généraux (S.I.n.d. Pp. 23). A discussion of the decree of October 5. Mentioned by Hardy in his "Journal" on November 5 and attributed to Lecoigneux de Belaire, "conseiller clerc en la grand'chambre du parlement de Paris." For Necker's relations with Lecoigneux, see text of the present study, page 71.

Recherches historiques sur les états généraux et plus particulièrement sur l'origine, l'organisation et la durée des anciens états provinciaux d'Auvergne; . . . par M. Bergier . . . [and] . . . Dom Verdier-Latour (Clermont-Ferrand, 1788. Pp. viii + 110). On page 5 is a reference to the declaration of September 23.

Récit de ce qui s'est passé à Bordeaux lors de la reprise des fonctions du parlement et de la cour des aides. Des 20, 21, 22, et 23 octobre 1788 (S.I.n.d.).

Récit de ce qui s'est passé à Grenoble lors de la rentrée du parlement (12-22 octobre) (S.I.n.d.).

Récit de ce qui s'est passé à Troyes, depuis la nouvelle du rétablissement du parlement, 29 septembre 1788 (S.I., 1788).

Récit de ce qui s'est passé au grand bailliage de Lyon lors de sa rentrée en sénéchaussée et siège présidial, le 3 octobre 1788.—Discours prononcé par M. Baron du Solze, procureur du roi en la sénéchaussée . . . de Lyon, en présentant à l'enregistrement la déclaration qui annonce les états généraux et rétablissement des cours et tribunaux au même et semblable état qu'ils étaient avant le 8 mai (S.I.n.d.).

Récit des fêtes données à Grenoble, les 12 et 20 octobre 1788, au retour du parlement (S.I.n.d.).

Récit portant dénonciation, fait par M. Bodkin de Fitzgerald, conseiller au parlement de Paris, en la troisième chambre des enquêtes, toutes les chambres assemblées, les pairs y étant, le jeudi 25 septembre 1788, à M. le premier président, au sujet de M. Loménie de Brienne, archevêque de Sens, ancien principal ministre, et de M. de Lamoignon, ancien garde des sceaux (S.I.n.d. Pp. 8).

Récit succinct de ce qui s'est passé en Bourgogne et notamment à Dijon, depuis le 10 mai 1788 jusqu'au 25 octobre, jour de la rentrée solennelle du parlement (S.I.n.d.).

Recueil de divers discours et complimens adressés au parlement de Dauphiné, à l'occasion de son heureux retour, les trois premiers jours de la reprise de ses séances, savoir les 20, 21 et 22 octobre 1788. Ensemble les réponses de cette cour (S.I.n.d.).

Recueil de pièces historiques sur la convocation des états généraux et sur l'élection de leurs députés, par le comte de Lauragais (Paris, ce 20 septembre 1788. Pp. 116). After page 100 follows a "post-scriptum" dated September 30, 1788. Hardy, in his "Journal," mentions the pamphlet under date of October 1.

Recueil de toutes les pièces qui constatent ce qui s'est passé au parlement de Toulouse et dans les sénéchaussées, maîtrises et autres juridictions royales de son ressort, depuis le 3 mai jusqu'au 20 octobre 1788, jour de sa rentrée (S.I., 1788).

Réflexions d'un chartreux, qui croit avoir deviné un des motifs de l'enregistrement du parlement (S.I.n.d. Pp. 12). For a reply to this pamphlet, see above: *Lettre au chartreux*, etc.

Réflexions d'un citoyen sur les affaires présentes (S.I., 1788. Pp. vi + 22). The *Gazette de Leyde* (No. 89) contains a "Lettre de Paris" dated October 27, 1788, in which this pamphlet is thus characterized: "Un autre effet de la fermentation que les derniers événements avaient causée, n'a pas encore cessé entièrement: Ce sont les brochures contre les deux ministres retirés: une des plus algres et des plus violentes est celle qui vient de paraître, intitulée: *Réflexions d'un citoyen sur les*

affaires présentes. Imprimé de 22 pages: Il s'est répandu depuis peu de temps, quoiqu'il semble avoir été composé dans les derniers jours de l'administration de M. l'archevêque de Sens."

Réflexions sur la convocation des états généraux et moyens d'y procéder (S.l., 1788. Pp. 25). Written after October 5 (p. 4).

Régénération de la France par les états généraux, par M^{***}, avocat au parlement (S.l., 1788. Pp. xvi + 80). The preface is dated thus: "De Châtillon-les-Dombes, le 15 octobre 1788."

Relation de ce qui s'est passé dans la ville de Troyes, capitale de la Champagne, au sujet du rétablissement des tribunaux (S.l.n.d.).

Relation des fêtes publiques données à Dijon, à l'occasion de la rentrée des cours, avec la description du char de triomphe (14-28 octobre) (Dijon, 1788).

Réponse au mémoire adressé à M^M. du tiers (Londres, 1788. Pp. 14). On the copy in the Bibliothèque Nationale is the following manuscript note: "24 7^{bre} 1788. Bretagne."

Réponse aux réflexions de M. Linguet sur la dette nationale en France, insérée dans le No. 116 de ses "Annales," à son article du crédit public, etc. (S.l., 1788. Pp. 67).

Réponse du roi à M. le premier président du parlement de Paris, du 26 septembre 1788, sur l'arrêt de la veille (Versailles, s.d. Pp. 2).

La restauration de la France (S.l.n.d. Pp. 32). On page 11 is a reference to the formation of the estates of Dauphiné. Published probably in October, 1788.

Le retour de Philoclès, de l'isle de Samos; et caractère du vrai magistrat (S.l., 1788. Pp. 23). Facetious pamphlet on Duval d'Espréménail.

Second mémoire de M. de La Croix, avocat au parlement, sur la tenue des états généraux, en réponse à M. le comte de Lauraguais (S.l.n.d. Pp. 16). For Delacroix's first *Mémoire*, see above, Section (a).

Sur l'arrêt du 25 septembre 1788 (S.l.n.d. Pp. 8). At the end: "Ce 28 septembre."

Testament de Desbruguières (S.l.n.d. Pp. 14). It begins thus: "Cejourd'hui 25 septembre 1788." There is another edition of seven pages.

Tous les cœurs en l'air, pour la rentrée du parlement, et pour le bon roi qui nous le rend; suivis d'un compliment poissard (Paris, 1788. Pp. 24). A comic drama.

Un citoyen aux états généraux (S.l., 1788. Pp. 46). After September 23; see "note de l'éditeur" opposite page 1.

Vœu d'un citoyen ou projet sur la manière de convoquer et d'assembler les états généraux (S.l.n.d. Pp. 60). See above: *Manière équitable et juste*, etc.

Vœu patriotique d'un américain, sur la prochaine assemblée des états généraux (S.l.n.d. Pp. 15). Recommends that the colonies have deputies in the Estates General.

Les vœux de la patrie formés et satisfaits, le 20 octobre 1788 (S.l.n.d. Pp. 6). Versae.

Vues d'un citoyen sur la composition des états généraux, par M. Mourgue de Mont-Redon, membre et ancien directeur de la société royale des sciences de Montpellier, etc. (S.l., 1788. Pp. 66).

Vues générales sur notre constitution et sur nos assemblées nationales (S.l., octobre 1788. Pp. viii + 64).

(c) Pamphlets Published between November 6 and December 12, 1788.

Analyse de la brochure intitulée: "Des conditions nécessaires à la légitimité des états généraux," avec cette épigraphe: Salus populi, suprema lex esto (S.l., 1788. Pp. 23). On the copy in the Bibliothèque Nationale is the following manuscript note: "Par M. Walsh, comte de Serrant, assisté de Delaunay l'aîné, avocat. A Angers, chez Mame." A contemporary pamphlet attributes it to "M. le comte de S. . . t" and says it appeared "a few days" after the beginning of November, 1788 (see *Lettre de M. Chassebauf de Volney à M. le comte de S. . . t*, p. 3). See below: *Des conditions nécessaires*, etc.

Aperçu rapide et impartial d'un gentilhomme sur la grande question qui agite les esprits français et qui paraît diviser les grands et le peuple, le clergé et la noblesse, réunis d'une part, et le tiers état de l'autre, au sujet du nombre de représentants que

celui-ci doit fournir aux états généraux (S.I.n.d. Pp. 29). On page 12 is a reference to the second Assembly of Notables.

Arrêt du conseil d'état du roi, portant convocation d'une assemblée des anciens états de Fraunce-Comté (premier novembre) (S.I.n.d.).

Arrêté (S.I., 3 novembre. Pp. 4). At the end: "Arrêté à Rennes, le 25 octobre 1788, adopté par la noblesse, et imprimé le 3 novembre." Ultra-conservative.

Arrêté de l'ordre des avocats du présidial d'Angers, en réponse au mémoire de la commission intermédiaire de l'assemblée provinciale de l'Anjou, ayant pour titre: "Mémoire pour le rétablissement des états particuliers de la province" (21 novembre) (Angers, 1788).

Arrêté des marchands ciriers de Rennes. Du 24 novembre (S.I.n.d. Pp. 9).

Arrêté des maires et échevins de la ville de Vienne en Dauphiné, du 13 novembre 1788. Délibération de la même ville, du 28 novembre 1788 (S.I.n.d.).

Arrêté des officiers municipaux de la ville de Montfort. Du 21 novembre 1788 (S.I.n.d. Pp. 13).

Arrêté des officiers municipaux de la ville de Nantes, du 4 novembre 1788; suivi de la requête du tiers état, et de l'arrêté du 6 du même mois (S.I., 1788. Pp. 38).

Arrêté des trois ordres du pays de Vivarais. Du 27 octobre 1788 (S.I.n.d.). At least four editions, one bearing the date "décembre 1788." Another gives the localization thus: "Bourg-Saint-Andéol, 1788."

Arrêté du corps du commerce de Rennes, du 17 novembre 1788 (S.I.n.d. Pp. 15).

Arrêté du parlement, du 5 décembre 1788, les pairs y étant, sur la situation actuelle de la nation (S.I.n.d. Pp. 8). Other editions.

Arrêtés pris et discours prononcés au bailliage de Coney, au sujet de la révolution éprouvée par la magistrature, depuis le mois de mai 1788 jusques et compris le mois d'octobre suivant. Extraits des registres dudit siège (S.I.n.d.).

Aux bons patriotes, salut (S.I.n.d. Pp. 8). On the copy in the Bibliothèque Nationale is the following manuscript note: "Par Chaillon, avocat; et publié à Rennes, le 10 novembre." Deals with affairs in Brittany.

Aux notables assemblés (S.I.n.d. Pp. 19). At the end: "Brun de la Combe, prêtre, licencié en lois, etc. Paris, 3 novembre 1788."

AVIS à propos donné aux languedociens, par un gentilhomme (S.I.n.d. Pp. 16). Another edition: *AVIS donné aux languedociens, par un gentilhomme, sur les réformes à faire dans la composition de leurs états provinciaux* (S.I., décembre 1788. Pp. 7).

AVIS au tiers état, par M. le marquis de B . . . au (S.I.n.d. Pp. 14). By the Marquis de Beauvau, according to Barbier.

Le bon-sens, par un gentilhomme breton (S.I., 1788. Pp. viii + 135). By the Comte Armand-Guy de Kersaint, according to Barbier and other evidence.

Bulletin, Nantes, le 28 novembre 1788 (S.I.n.d. Pp. 4).

Canevas des délibérations des états généraux de l'année 1789 (S.I., 1788. Pp. 124). In another pamphlet entitled *Canevas des doléances des états généraux de l'année 1789* (S.I., mars 1789), on pages 8 and 50, the author says that he published this pamphlet in November, 1788.

Compliment adressé à M. d'Ormesson, premier président, le 12 novembre 1788 . . . (S.I.n.d. Pp. 3).

Des conditions nécessaires à la légalité des états généraux (S.I., 1788. Pp. 38). On the copy in the Bibliothèque Nationale is the following manuscript note: "Par M. Volney, à Rennes, 5 novembre." For further evidence that the pamphlet appeared at the beginning of November and that Volney was the author of it, see *Lettre de M. de Chassebœuf de Volney à M. le comte de S . . . t* (S.I.n.d.), p. 3. For an Analysis of this pamphlet, see above.

Le cri de la vérité, ou le point de réunion du peuple français (S.I.n.d. Pp. 12). Written in November (p. 5 et passim).

Crimes et forfaits de la noblesse et du clergé, depuis le commencement de la monarchie jusqu'à nos jours (Paris, s.d. Pp. vi + 164). By Jacques-Antoine Dulaure, according to Barbier.

Délibération à prendre par le tiers état dans toutes les municipalités du royaume de France (S.I.n.d. Pp. 6). On December 17, 1788, this pamphlet was condemned by the Parlement of Paris (Brette, *Recueil de documents*, I, 34). Partially reprinted in Chassin, *Les élections et les cahiers de Paris*, I, 48-50.

Délibération de Moulins, du 21 novembre 1788 (S.l.n.d.).

Délibération de la cour présidiale de Nîmes, au sujet de l'enregistrement fait en la sénéchaussée, de la déclaration du roi donnée à Versailles le 23 septembre 1788, et de l'arrêt de registre du parlement de Toulouse du 24 octobre suivant (4 novembre).—*Délibération prise par la ville de Nîmes en conseil général*. (3 novembre).—*Extrait des registres des délibérations de MM. les officiers de la sénéchaussée et siège présidial de Nîmes* (10 novembre) (S.l.n.d.). This is a collection of pamphlets, some of which were printed separately.

Délibération de la viguerie de Draguignan, contenant son vœu sur la formation des états généraux. Du 26 novembre 1788 (S.l.n.d. Pp. 16).

Délibération du conseil municipal de la ville d'Aix, capitale de la Provence, sur la composition de l'assemblée des états généraux du royaume, le nombre et l'élection des députés qui doivent y représenter la Provence (14 novembre 1788) (Aix, 1788. Pp. 10). At least one reprint (S.l.n.d. Pp. 5).

Délibération et arrêté de la communauté de ville de Landernau, concernant les représentations des ordres aux états généraux, et leur composition. Du jeudi 20 novembre 1788 (S.l.n.d. Pp. 4).

Délibération et arrêté de la communauté de ville de Saint-Malo, concernant la représentation des ordres aux états particuliers et le redressement des griefs et doléances de l'ordre du tiers état. Du mercredi 12 novembre 1788 (Saint-Malo, 1788). A reprint is thus dated: "[S.l.,] décembre 1788, pp. 6."

Délibération prise par la ville de Nîmes en conseil général (5 décembre) (Nîmes, 1788. Pp. 8).

Délibération du conseil des trois ordres du Bugey. Du mardi 2 décembre 1788 (S.l.n.d. Pp. 7).

Dénonciation au public à l'occasion de quelques écrits anonymes, particulièrement d'une comédie ayant pour titre: "La cour plénière," calomnieusement attribuée à M. Bergasse. Avec des détails sur sa retraite en Suisse. . . . Suivi d'une lettre missive aux notables (Paris, novembre 1788, Pp. 44). At the end of the *Lettre missive*: "Paris, ce 12 novembre 1788." Signed: Patriophile.

De la députation aux états généraux, par M. Roederer, conseiller au parlement de Metz. . . . (S.l., 8 de novembre 1788. Pp. 88).

Détails des démarches patriotiques faites par les bordelais des trois ordres (S.l., 1788. Pp. 22). Contains letters dated November 18 and 25 (pp. 3 and 5).

De la différence qu'il y a entre les états généraux et les assemblées nationales, etc. See below; *Note essentielle, etc.*

Discours de M. de La Boissière, conseiller, avocat général au parlement du Dauphiné; prononcé le jour de l'ouverture de ce parlement, du 17 novembre 1788, à la séance pour la prestation du serment. . . . (S.l.n.d. Pp. 27).

Discours de M. le chevalier de Flin, . . . adressé à MM. des trois ordres de Metz. . . . 4 novembre 1788. . . . (S.l.n.d. Pp. 7).

Discours de M. Lefèvre d'Ormesson, premier président du parlement, à l'ouverture de l'assemblée des notables, tenue à Versailles, le 6 novembre 1788 (S.l.n.d. Pp. 7).

Discours de M. le premier président, lors de sa réception, prononcé en parlement, toutes les chambres assemblées, le 12 novembre 1788 (S.l.n.d.).

Discours de M. le président de Gourgues, en réponse à celui de M. le premier président, lors de sa réception, prononcé en parlement. . . . le 12 novembre 1788 (S.l.n.d. Pp. 4).

*Discours de M. V***, avocat au parlement de Dijon, à son ordre assemblé, le 3 décembre 1788* (S.l.n.d. Pp. 20).

Eclaircissement à l'amiable entre la noblesse et le tiers état (S.l.n.d. Pp. 18). On page 16 appears an *Addition du 25 novembre 1788*. In a signed *Lettre à MM. les députés du tiers état de Bretagne actuellement à Paris*, dated February 3, 1789, Toustain de Richebourg admits that he was the author of the *Eclaircissement*. He signed himself "Vicomte de Toustain-Richebourg, chevalier de Saint-Louis, ancien commissaire aux états de Bretagne."

Essai sur les privilèges (nouvelle édition, s.l., 1789. Pp. 54). By the Abbé Siéyes. On page 1 is the following note: "La première édition de cet opuscule a paru en novembre 1788."

Des états généraux de France (S.l.n.d. Pp. 16). On pages 14-15 is a reference to

the clergy and nobility of Dauphiné which seems to indicate that the pamphlet was published in November.

Des états généraux, de la forme qu'on pourrait établir pour les convoquer, leur faire opérer le bien que la roi et la nation ont le droit d'en attendre, et réponse aux propositions, remplies de sagesse, de M. le directeur général des finances, dans son discours aux notables (S.I.n.d. Pp. 16). This pamphlet is found in the Archives Nationales, BA 7, and the accompanying letter is signed at Paris the 28th of November, 1788, by Sabatier.

Extrait des registres de la communauté de MM. les procureurs au présidial de Rennes, du 9 décembre 1788 (S.I.n.d.).

Extrait des registres de la communauté de MM. les procureurs au parlement de Bretagne, du 18 novembre 1788 (Rennes, 1788).

Extrait des registres des états de Dauphiné assemblés à Romans. Du 9 décembre 1788 (S.I.n.d. Pp. 7).

Extrait des registres du greffe de l'hôtel de ville de Rennes (17 novembre) (Rennes, 1788).

Extrait du procès-verbal des états de la province de Dauphiné assemblés à Romans (S.I.n.d. Pp. 20).

Extrait du registre des délibérations de la communauté de ville de Redon. Du 15 novembre 1788 (Nantes, 1788).

Extrait du livre des délibérations de l'hôtel de ville de Gray (18 novembre) (S.I.n.d. Pp. 14).

Extrait du registre des délibérations de la paroisse de Saint-Germain de Rennes. Du mercredi 19 novembre 1788, le général assemblé à l'extraordinaire (S.I.n.d.).

De la formation des états généraux (S.I.n.d. Pp. 16). On page 1-2 these words appear: "Telle est la question sur laquelle on consulte les notables." Hence written during the Assembly of Notables.

De la formation des états provinciaux en Dauphiné, par un philanthrope (S.I., 1788. Pp. 26).

La France plus qu'anglaise, ou comparaison entre la procédure entamée à Paris le 25 septembre 1788 contre les ministres du roi de France, et le procès intenté à Londres en 1640 au comte de Strafford, principal ministre de Charles premier, roi d'Angleterre; avec réflexions sur le danger imminent dont les entreprises de la robe menacent la nation et les particuliers, par M. Linguet (Bruxelles, 1788. Pp. 147). On page 16 appears the date October 20, 1788. Hardy mentions this pamphlet in his "Journal" under date of December 5, 1788.

Les Gracches français, suite du "Tribun du peuple," au peuple (Paris, 1788). Written after October 15 (p. 10). Condemned by the Parlement of Rennes on January 8, 1788 (Brette, *Recueil de documents*, I, 251). The author, according to Barbier, was Michel-Ange-Bernard Mangourit. It would appear that Mangourit published the first edition at Nantes, *chez Malaassis*, in 1787. See Barbier's note. Cf. Chérest, *La chute de l'ancien régime*, II, 65-66.

Idées d'un patriote, citoyen de la capitale (S.I.n.d. Pp. 7).

L'impôsteur démasqué, ou réponse au mémoire intitulé: "Quelle est l'origine des états généraux, par M. Linguet" (S.I., 1788. Pp. 36). I have been unable to find the pamphlet here attributed to Linguet.

*Lettre à M. le comte de***, auteur d'un ouvrage intitulé: "Le bon sens"* (S.I.n.d. Pp. 22). By the Comte Alexandre de Lameth, according to Barbier. On page 18 the author says that the Notables had not yet separated. For the pamphlet entitled *Le bon sens*, see above.

Lettre à un ami sur l'assemblée des notables. De Paris, 6 novembre 1788 (S.I.n.d. Pp. 23).

Lettre de M. Le Gouz de Kervelegan, sénéchal de Quimper-Corantin, à M. Balais, subdélégué, à Nantes, de Mgr. Bertrand de Molleville, encore intendant de Bretagne (S.I.n.d. Pp. 47). Dated at Quimper the 17th of November, 1788.

Lettre du parlement de Normandie au roi, pour demander les anciens états de la province (novembre) (S.I.n.d.).

Lettre écrite au roi par les trois ordres de la province de Dauphiné, sur les états généraux (S.I.n.d. Pp. 16). Dated at Romans the 8th of November, 1788. Signed by the archbishop of Vienne as president and by Mounier as secretary. For a criticism of this pamphlet, see below: *Observations sur la lettre des états du Dauphiné*.

Lettre sur "Les états généraux convoqués par Louis XVI" et composés par M. Target, par le comte de Lauraguais (S.l., 1788. Pp. 42). On the copy in the White Library, Cornell University, is the following manuscript note: "Paris, le 19^gbre." Mentioned, under date of November, in *Correspondance de Grimm et de Diderot*, XIV, 180-181. On page 41 is a reference to an *arrêt* of November 1, 1788. For another pamphlet by the Comte de Lauraguais, see above, Section (b): *Dissertation sur les assemblées nationales*, etc.

Lettres aux notables, sur la forme et l'objet des états généraux, par M. P.-V. de Caillonges (Londres, 1788. Pp. 59).

Lettres d'un avocat à un publiciste, à l'occasion de la prochaine assemblée des états généraux du royaume (S.l., 1788). Two letters: the first (23 pp.) dated November 18, 1788; the second (43 pp.) dated November 24, 1788. In the Archives Nationales, BA 2, is a manuscript copy of this pamphlet. Around the manuscript are folded two letters addressed to Necker, one dated November 21 and the other November 25, 1788. Both letters were written at Montpellier and signed J. Albiisson. Attached is a sort of synopsis or summary of the contents of the pamphlet, apparently for the benefit of the minister. This summary is dated December 6, 1788, and is not in the handwriting of Albiisson.

Mémoire des trois ordres de la ville de Metz et du pays messin, pour établir leur droit à députer aux états généraux de la même manière que les pays d'états (4 novembre) (S.l.n.d.).

Mémoire présenté au roi par les six corps de la ville de Paris (Paris, 1788. Pp. 14). Hardy in his "Journal" mentions this pamphlet under date of November 23, 1788, and attributes it to Maître De Sèze, "avocat au parlement et homme d'esprit."

Mémoire sur la nécessité d'admettre dans le nombre des députés du tiers état, des représentants du commerce extérieur et intérieur du royaume, par un négociant de Bordeaux (S.l.n.d. Pp. 15). Written while the Notables were in session (pp. 2 and 7).

A monsieur le marquis de Gudannes, doyen de la noblesse de Toulouse (S.l.n.d. Pp. 3). Signed: "Le comte J. Dubarry-Ceres. A Toulouse, ce 11 novembre 1788."

La nation à ses magistrats, sur la révolution du 8 mai 1788 . . . et sur la rentrée des cours souveraines dans la cours du mois d'octobre suivant . . ., par M. J. Berliquet, avocat au parlement (Bordeaux, 1788. Pp. 40). Poetry and prose.

À la nation française et aux notables assemblés—Projet qui peut intéresser, être utile ou au moins inspirer quelques sentiments de patriotisme (S.l., 1788. Pp. 63). Plan for a popular subscription for paying off the deficit. This pamphlet is found in the Archives Nationales, BA 6, accompanied by a letter to Necker dated November 28, 1788, and signed "M. Ronzier de Joly."

À la nation française, sur les vices de son gouvernement, etc. See below: *Second avis à la nation, sur les vices*, etc.

Note essentielle à l'usage de MM. les notables (S.l.n.d. Pp. 32). According to a manuscript note on the copy in the Bibliothèque Nationale, the date is November 15, 1788. On page 7 is a reference to the decree of October 5. Another edition bears the following title: *De la différence qu'il y a entre les états généraux et les assemblées nationales, ou principes radicaux de la constitution* (S.l., 1789. Pp. 41).

Observations et résultats sur la progression du déficit dans les finances, sur les moyens de le combler, sur la répartition proportionnelle des impôts, sur les privilèges et abonnements, sur les rentes viagères, . . . par M. Tur—A.D.E.D. (Neuchâtel et Paris, 1788. Pp. 41). On page 35 is a reference to October 5, and on page 41 is the following: "Ces observations ont été faites pour être publiées avant l'assemblée des notables."

Observations sur la lettre des états du Dauphiné au roi, sur les états généraux, du 8 novembre 1788 (S.l.n.d. Pp. 47). On page 5 is a reference to "la première brochure de M. T***." Evidently the writer knew about Target's second pamphlet, which was published about November 15.

Observations sur le projet de former une assemblée nationale sur le modèle des états généraux de 1614 (S.l.n.d. Pp. 27). The author, according to Barbier, was the Abbé André Morellet. On page 17 is a reference to Target's pamphlet and the following comment: "Dans la suite de cet écrit nouvellement publiée, . . ." The "suite" was published about November 15. In his *Mémoires* (I, 340) Morellet admits that he was the author of this pamphlet and says that he wrote it during the second meeting of the Notables.

Petite lettre sur les deux premiers volumes de la fameuse compilation en dix ou douze volumes . . . concernant les états généraux et autres assemblées nationales, qui se vend chez Buisson (S.l.n.d. Pp. 32). On page 12 is an indirect reference to the declaration of September 23.

Petites lettres sur de grandes affaires (S.l.n.d. Pp. 15).

Placets adressés au roi et à la reine; requête aux officiers municipaux de la ville de Nantes, et arrêté du 6 novembre 1788 . . . (S.l., 1788. Pp. 20).

Première lettre d'un citoyen aux trois ordres de Dauphiné, en réponse à la lettre des trois ordres au roi (S.l.n.d. Pp. 24). At the end: "Paris, ce 8 décembre 1788."

Premier recueil de pièces intéressantes, remises par les commissaires de la colonie de Saint-Domingue à M.M. les notables, le 6 novembre 1788 (S.l.n.d.).

Le préservatif contre l'"Avis à mes compatriotes," avec des observations sur l'affaire présente, par un membre des états du Dauphiné (S.l.n.d.). By Jean-Denis Lanjuinais, according to Barbier. In the *Œuvres de J.-D. Lanjuinais* (Paris, 1832, 4 vols.), I, 127-145, the date is given as October, 1788; but this is inaccurate. The pamphlet contains references to *Des conditions nécessaires*, etc., *Catéchisme du citoyen*, and *Arrêt*, which were published in November (see above).

Procès-verbal de ce qui s'est passé à Nismes dans l'enceinte du palais, le 29 novembre 1788, à la réception du portrait de sa majesté, donné par le tiers état à la cour présidiale (S.l.n.d. Pp. 8).

Procès-verbal de ce qui s'est passé à la séance du parlement du 20 octobre 1788, et à sa rentrée, du 13 novembre 1788 (Paris, s.d. Pp. 34).

Procès-verbal de l'assemblée des commissaires de la noblesse du Comings et du Conserrons . . . Avec une collection de ce qui s'est fait dans ces provinces depuis le 8 mai, relativement aux affaires publiques (S.l., 1788).

Procès-verbal des séances du conseil souverain du Roussillon des 24 et 25 octobre 1788 (S.l.n.d. Pp. 13).

Projet d'édit pour la restauration de la chose publique, la convocation régulière des états généraux, la restauration des anciennes cours plénières, le rappel des parlements . . . (S.l., 1788. Pp. 115). Signed "Duclouet d'Arneri." On page 7 the Notables are referred to as being in session.

*Protestation contre la forme des états généraux de 1614, et seul moyen d'imprimer un caractère légal à celle de la prochaine assemblée nationale, suivie d'une lettre à M.M. du conseil général de la ville de Nismes en Languedoc, et d'une réponse au mémoire des six corps des marchands de Paris, par M. B**** (S.l., 1788. Pp. 46). At the end of the "lettre" appears: "Paris, ce 25 novembre 1788." Signed: Baumier.

Protestations de M. Lingnet contre les arrêts du parlement de Paris des 25 et 27 septembre 1788 (S.l.n.d. Pp. 12). Dated: Bruxelles, 7 novembre.

Réclamations du tiers état et supplique au roi (S.l., novembre 1788. Pp. 18).

Réflexions d'un citoyen de Besançon, sur les privilèges et immunités de la noblesse, par M. L. D. W. (S.l.n.d. Pp. 28). Dated: Besançon, ce 26 novembre 1788. Another edition, dated 1789, has this title: *Réflexions d'un citoyen de Franche-Comté sur les privilèges et immunités de la noblesse*, par M. L. D. W.

Réflexions d'un magistrat sur la question du nombre et celle de l'opinion par ordre ou par tête (S.l., 7 décembre 1788. Pp. 7). By Duval d'Esprémessnil, according to Barbier. This is confirmed in a pamphlet entitled *Déclaration de M. d'Esprémessnil au sujet d'un imprimé*.

Réflexions patriotiques sur l'arrêt de quelques nobles de Bretagne du 25 octobre 1788 (S.l.n.d. Pp. 30). An autograph note of the author says: "M. de Volney, auteur de *La Sentinelle du peuple*, m'a fourni des matériaux pour cet ouvrage, dont il y a en deux éditions en trois jours." Mentioned in *La Sentinelle du peuple* (No. III, p. 17) under date of December 5, 1788. Barbier attributes the *Réflexions* to Lanjuinais, and the pamphlet appears in the *Œuvres de J.-D. Lanjuinais* (Paris, 1832), I, 105-126. See above: *Le préservatif*, etc.

Réflexions sur la prochaine tenue des états généraux, par un membre de l'ordre de la noblesse (S.l.n.d. Pp. 54). By "M. d'Houlières," according to a manuscript note on the copy in the Bibliothèque Nationale. Mentioned in *La Sentinelle du peuple* (No. III, p. 17) under date of December 5, 1788, and attributed to "M. le comte d'H . . . res, gentilhomme d'Anjou."

Réflexions sur la réformation des états provinciaux, par un ancien magistrat du P . . .

de G . . . (S.I., 1788, Pp. 43). An edition of 1789 bears the author's name: "M. de Servan, ancien avocat général du parlement de Grenoble." On page 7 the author speaks of awaiting "l'équité des notables." Hence published probably in November.

Réflexions sur les pouvoirs et instructions à donner par les provinces à leurs députés aux états généraux (S.I.n.d. Pp. 16). This seems to be the first edition. On page 2 these words occur: "La nation est convoquée pour le mois de janvier prochain. Les notables sont assemblés." This seems to indicate October or November as the date of composition. In the "seconde édition" (S.I., 1789, Pp. 29) these phrases are changed. Another edition (S.I., 1788, Pp. 59) purports to be "par quatre magistrats du parlement de Paris." A manuscript note on the copy of this edition in the Bibliothèque Historique de la Ville de Paris attributes the pamphlet to Servan. Barbier gives another edition (S.I., 1788, Pp. 24) and attributes it to the Marquis de Sémonville, "conseiller aux enquêtes du parlement de Paris." The pamphlet is reprinted in the *Œuvres de Condorcet publiées par A. Condorcet O'Connor et M. F. Arago*, Volume IX. Thus the authorship is disputed, and I am unable to settle the dispute.

Relation de ce qui s'est passé dans la ville de Nérac, le 4 novembre 1788, à l'occasion des publications et enregistrement de la déclaration du roi du 6 octobre dernier (S.I., 1788, Pp. 30).

Réponse d'un gentilhomme breton à un commerçant de Nantes, sur la requête de M. Cottin et sur l'arrêt de MM. les officiers municipaux de la même ville (27 novembre) (S.I., 1788).

Réponse de l'auteur de l'ouvrage intitulé "Le bon sens," à la lettre qu'il a reçue à cette occasion (S.I., 1788, Pp. 25). By the Comte de Kersaint. See above: *Lettre à M. le comte de****, etc.

Réponse de M. de Calonne à lettre de M. de Beyerle, conseiller au parlement de Nancy (5 décembre) (Londres, 1788, Pp. 20).

Réponse du roi, du 9 décembre 1788, aux supplications de son parlement, du 5 même mois (S.I.n.d.).

Requête des femmes, pour leur admission aux états généraux, à MM. composant l'assemblée des notables (S.I.n.d. Pp. 19). The argument seems to be made in good faith.

Requête aux officiers municipaux de la ville de Nantes, et arrêté du 6 novembre 1788 (S.I.n.d. Pp. 12).

Requête du tiers état au roi (S.I.n.d. Pp. 8). Barbier attributes this pamphlet to J.-B. Huet de Froberville and gives the place and date of publication: Orléans, premier décembre 1788.

Requête présentée au roi par le tiers état de la ville de Nérac, et pays d'Albret, dont elle est capitale; . . . (S.I.n.d. Pp. 16). At the end: "A Nérac, le 20 novembre 1788."

Résumé proposé aux notables (S.I.n.d. Pp. 7). By the Comte de Lauraguais. The evidence of authorship is found in a pamphlet with the following title and date: *Lettre sur "Les états généraux convoqués par Louis XVI" et composés par M. Target; par le comte de Lauraguais. On y a joint le "Résumé" que le même auteur a proposé aux notables* (S.I., 1788). For another pamphlet by the Comte de Lauraguais, see above, Section (b): *Dissertation sur les assemblées nationales*, etc.

Second avis important à la nation sur les vices de son gouvernement, sur la nécessité d'établir une constitution, et sur la composition des états généraux, adressé à l'assemblée des notables par l'auteur de l'"Avis important sur le ministère et sur l'assemblée prochaine des états généraux" (S.I., novembre 1788, Pp. 67). Another edition has this title: *A la nation française sur les vices de son gouvernement, sur la nécessité d'établir une constitution, et sur la composition des états généraux* (S.I., novembre 1788, Pp. 96). Still another edition is dated 1789. The author, according to Barbier, was Rabaut de Saint-Etienne. See above, Section (b): *Avis important sur le ministère*, etc.

Second procès-verbal de l'assemblée générale des trois ordres de la province de Dauphiné, tenue dans la ville de Romans le 2 novembre 1788 (Grenoble, 1788, Pp. 12).

La sentinelle du peuple, aux gens de toutes professions, sciences, arts, commerce et métiers, composant le tiers état de la province de Bretagne; par un propriétaire en ladite province (S.I.n.d.). Five numbers, November 10-December 25, 1788. Barbier attributes this pamphlet to Monsodive and adds: "On dit que Volney était son collaborateur." In the *Correspondance de Grimm et de Diderot* (XIV, 202 et seq.) we find the following foot-note: "Cette feuille publiée par M. Monsodive fut distribuée clandestinement en 1787-1788. Tous les arguments des défenseurs de la noblesse y sont

habillement réfutés. Volney était au nombre des collaborateurs." Condemned by the Parlement of Paris on March 6, 1789 (Breite, *Recueil de documents*, I, 42-43).

Soliloque d'un patriote, touchant la forme de la prochaine assemblée des états généraux du royaume (S.I.n.d. Pp. 4).

Suite au codicile de Boniface-Honoré Desbrugnières, écuyer-conseiller du roi, . . . (S.I., 1788. Pp. 14).

Suite de l'écrit intitulé: Les états généraux convoqués par Louis XVI (S.I., 1788). Under date of November 18, 1788, Hardy, in his "Journal," comments on this pamphlet as follows: "Ce jour on distribuait au Palais, tout mouillé et paraissant sortir de dessous la presse, un ouvrage nouveau de Maître Target, ancien avocat au parlement, l'un des quarante de l'Académie Française, sur la convocation des états généraux ordonnés par Louis XVI. . . . On entendait dire beaucoup de bien de cet ouvrage qui avait été distribué aux notables." See above, Section (b): *Les états généraux convoqués*, etc.

Sur cette question: Est-il nécessaire ou utile que les états généraux de 1789 soient convoqués dans la forme de 1614? (S.I.n.d. Pp. 8).

Système sur la formation de l'assemblée des états généraux en France, sur la formation des états provinciaux et de toute autre assemblée nationale, par M. Pelletier (Paris, 1789. Pp. 24). This seems to be a second edition. On pages 1-2 of another pamphlet by Pelletier entitled *La régénération de la France, ou essais sur la réformation que les états généraux ont à faire dans leur constitution* . . . (S.I., 1789), he tells us that his *Système sur la formation* appeared in November, 1788.

Thémis dévoilée, dédiée aux états généraux (S.I., 1788. Pp. 46). Signed: P. F***, citizen. Mentioned by Hardy in his "Journal" under date of December 5, 1788.

Le tiers état éclairé, ou ses droits justifiés (S.I., 1788. Pp. 23). Another edition has this title *Le tiers état entièrement éclairé sur ses droits, ou supplément à l'"Avis important," par le même auteur; suivi des "Principes de Messieurs Necker et de Fénélon sur l'administration"* et "*De la différence de trois mois en 1788, par le marquis de Caumont*" (S.I., 1788. Pp. 52). The author of *Avis important* seems to have been Rabaut de Saint-Étienne (see above, Section (b): *Considérations très importantes*, etc.). On page 4 is a reference to the *Arrêt* of September 23.

Le tiers-état-gibier contre le tiers-état-humain, ou plaintes doléances et pétitions très sérieuses de vingt-six millions de lièvres et de quatre-vingt-cinq millions de perdrix, seulement, formant le bas peuple gibier de neuf cents terriroires, seulement, des environs de Paris . . . (S.I.n.d. Pp. 8).

Le tiers état soulagé, ou vœu d'un citoyen, etc. See below: *Vœu d'un citoyen*, etc.

Très humble vœu et très respectueuses remontrances d'un vrai patriote au nom du tiers état de la ville de Toulouse, au roi (S.I.n.d. Pp. 7).

Très humbles supplications aux notables patriotes (S.I.n.d. Pp. 7).

Les véritables intérêts des trois ordres qui composent la nation rapprochés (S.I., 1788. Pp. 14).

Vœu d'un citoyen pour la conversion des dîmes en un impôt territorial qui sera perçu au profit de l'État (S.I., 1788. Pp. 16). On the copy in the Bibliothèque Nationale is the following manuscript note: "M. Molé, avocat au parlement de Paris, qui me l'a donné le 14 novembre 88." Barbier attributes the pamphlet to Guill.-Fr.-Roger Molé, "avocat au parlement de Paris." Another edition bears this title: *Le tiers état soulagé, ou vœu d'un citoyen* . . . (S.I., 1788. Pp. 15).

Vœu des trois ordres de la ville de Metz et du pays messin, au sujet du nombre respectif des députés de chaque ordre aux états généraux (S.I., 1788. Pp. 16). On page 3: "Du 19 novembre 1788."

Vœu du tiers état de la ville de Chartres, sur sa représentation aux états généraux du royaume, et délibération de MM. les officiers municipaux en l'assemblée générale du 4 décembre 1788 (Chartres, 1788. Pp. 30).

Vœu du tiers état et réclamations particulières du pays des Cévennes, sur son admission et ses doléances aux états généraux, en conséquence des délibérations unanimes prises par vingt-cinq communautés, par M. B. . . . de M. . . . , avocat au parlement de Languedoc, membre de diverses académies (Paris et Nîmes, novembre 1788. Pp. 51).

Les vœux d'un français, ou considérations sur les principaux objets dont le roi et la nation vont s'occuper (Paris et Versailles, 1788. Pp. 135). Under date of December 18, 1788, Hardy mentions this pamphlet in his "Journal": "Cet ouvrage qui ne pouvait que

partir de la plume d'un homme fort instruit; on l'attribue à un conseiller honoraire du parlement de Paris." Henri Sée (*Les idées politiques en France*, p. 222), by what authority I know not, attributes it to the economist Lemercier de la Rivière. The pamphlet refers (p. 119) to the declaration of September 23.

Les vœux d'un patriote (Amsterdam, 1788. Pp. 282). This is a partial reprint of an older pamphlet entitled *Les soupirs de France esclave, qui aspire après la liberté* (S.l., 1689).

La voix d'un citoyen sur la manière de former les états généraux, par Pierre d'Olivier, curé d'une petite paroisse de campagne (S.l., 1788. Pp. 34). This pamphlet is found in the Archives Nationales, BA 6, accompanied by a letter from the author to the minister, dated November 27, 1788.

(d) *Pamphlets Published between December 12 and December 27, 1788.*

Adresse au roi de plusieurs habitants de Tarbe, capitale de la province de Bigorre (S.l.n.d. Pp. 16).

Allégorie sur les différentes prétentions du clergé, de la noblesse et du tiers état. Extrait de la Gazette des Tribunaux, du lundi 22 décembre 1788 (S.l.n.d. Pp. 11).

Antidote contre la doctrine empoisonnée de quelques membres du parlement, sur les états généraux (S.l.n.d. Pp. 7).

L'antimoteur, ou réponse à la motion de monseigneur le prince de Conti, du 28 novembre 1788 (S.l.n.d. Pp. 7). At the end: "À Paris, ce 15 décembre 1788."

Antonin, citoyen, au milieu des notables de son empire, convoqués l'an de Rome 903. Lettre d'un gaulois à un de ses amis (second édition, Londres, 1788. Pp. 50).

Arrêté de la cour des comptes, aides et finances de Montpellier. Du lundi 22 décembre 1788 (S.l.n.d. Pp. 7).

Arrêté du parlement de Nancy, du 22 décembre 1788 (S.l.n.d.).

Arrêté du parlement, les pairs y étant, du 22 décembre 1788 (S.l.n.d. Pp. 2).

Au roi et à nos seigneurs de son conseil. (Par les juge, consuls et syndic du commerce du Châlonnais) (S.l.n.d. Pp. 10).

Aux bons français de tous les ordres (S.l.n.d. Pp. 15). Written after December 12 (p. 7).

Aux parisiens. Projet d'assemblées de quartiers, pour la ville de Paris (S.l.n.d. Pp. 30). By Jacques Peuchet, according to Barbier.

Avis à la noblesse (S.l., 1788. Pp. 21). In A. J. Dugour, editor, *Collection de pièces intéressantes*, I, 403-415, this pamphlet is reprinted, dated December, 1788, and attributed to Malouet.

Avis au public (S.l., 1788. Pp. 11). With this epigraph: "Timeo Danaos et dona ferentes." Sallier, in his *Annales*, says that this pamphlet was published in December, 1788. Mentioned by Hardy in his "Journal" on January 13, 1789.

Avis au public, et principalement au tiers état, de la part du commandant du château des Isles de Sainte-Marguerite . . . du 10 novembre 1788 (Paris, s.d. Pp. 55). Mentioned by Hardy in his "Journal" on January 9, 1789. By Ant.-Joseph-Michel Servan, according to Barbier. Satire on Duval d'Esprémesnil.

Avis au tiers état, en réponse à l'auteur de "La Sentinelle du Peuple," et autres ouvrages qu'il a faits en ce genre (S.l.n.d. Pp. 22). The subtitle: *Avis au tiers état de la province d'Anjou*. Signed: M***. A bitter criticism of the demand for the double representation and vote by head.

Avis aux français sur le salut de la patrie (S.l., 1788. Pp. x + 254). There is an edition of 272 pages dated 1789. The pamphlet was begun and finished before August 25 (p. 235, ed. 1789) but was not published until the close of the second Assembly of Notables (p. 242, ed. 1789). Reprinted in the *Œuvres de Jérôme Pétion . . .* (Paris, l'an premier de la république, 4 vols.), II. In an *avertissement* which precedes the reprint (II, 37-38) the editors say: "Quatre éditions en furent faites rapidement et répandues avec profusion dans le royaume. On ignore, d'abord, que M. Pétion en fût l'auteur . . . Beaucoup de députés, arrivant des départements les plus éloignés, le connaissaient et en parlaient avec éloges." In 1791, Pétion publicly acknowledged the authorship of this pamphlet (*L'Ami des patriotes ou le défenseur de la révolution*, No. 21, p. 135; No. 23, pp. 187-188). For another pamphlet by Pétion, see above, Section (b): *Lettre d'un citoyen de l'ordre du tiers*, etc.

Avis aux parisiens et appel de toutes convocations d'états généraux où les députés du troisième ordre ne seraient pas supérieurs aux deux autres (S.l.n.d. Pp. 11). In his *Annales* (p. 236) Sallier says that this pamphlet was published and spread broadcast in December, 1788. On January 8, 1789, it was condemned by the Parlement of Rennes (Brette, *Recueil de documents*, I, 251). As to authorship, there is an edition of the pamphlet in the Bibliothèque Historique de la Ville de Paris (600728) with the words "par M. Linguet" appended to the title. Partially reprinted in Chassin, *Les élections et les cahiers de Paris en 1789* (Paris, 1888), I, 156.

Avis charitable du tiers et du quart aux trois ordres du royaume (S.l., 1788. Pp. 14).

Avis d'un champenois (S.l.n.d. Pp. 15).

Avis d'un comtois, sur les états généraux et provinciaux (S.l.n.d. Pp. 14).

Avis d'un curé de Nivernais, sur l'assemblée des états généraux (S.l.n.d. Pp. 47). "Décembre 1788," according to a manuscript note on the copy in the Bibliothèque Nationale.

Avis salutaire au tiers état, sur ce qu'il fut, ce qu'il est et ce qu'il peut être, par un jurisconsulte allobroge (S.l., 1789. Pp. 32). Barbier says: "Joseph-Michel-Antoine Servan. S.l., 1788. Pp. 77."

Bases du régime à prescrire pour obtenir une bonne constitution et la restauration du corps social (S.l.n.d. Pp. 16).

Bill des habitants de Bagnolet, Charonne et autres lieux, pour servir de suite à la "Pétition des six corps" (S.l.n.d.). Facetious pamphlet.

Catéchisme du tiers état, à l'usage de toutes les provinces de France et spécialement de la Provence (S.l., décembre 1788. Pp. 20). Another edition (28 pp.) appeared in 1789.

Catéchisme patriotique, par une bonne citoyenne (S.l.n.d. Pp. 4).

Le citoyen conciliateur, contenant des idées sommaires politiques et morales sur le gouvernement monarchique de la France; suivies d'un projet de convocation des états généraux du royaume, sans s'écarter des formes anciennes et usitées aux dernières assemblées nationales de ce genre . . ., par M. l'Abbé de Lubereac . . . (Paris, 1788. Pp. 75, 86, 87). In part iii, page 59, these words appear: "Ce mois de novembre." Probably finished before the close of the Assembly of Notables and published in December, 1788.

Commentaire très roturier sur le noble discours adressé par le prince de Conti à Monsieur, frère du roi (S.l., 1788). In another edition (32 pp.), the word "très" is omitted from the title and the following words are added: "dans l'assemblée des notables, le . . . , 1788. A Paris, et se distribue gratis à l'hôtel de Conti, 1789." In the *Archives Parlementaires*, I, 581, we read: "Cet écrit fut condamné par le parlement, et l'auteur forcé de se cacher." The author was Servan, according to Barbier.

Conseils donnés aux souverains de l'Europe, par un avocat au parlement de Paris (Amsterdam et Paris, 1788. Pp. 32).

Consultation patriotique proposée à MM. les avocats (S.l.n.d. Pp. 12).

Coup d'œil utile, s'il fixe l'attention de mes concitoyens, par M. P.D.C. (S.l., 1788. Pp. 18). On page 10 is a reference to the "suite" of Target's pamphlet, which indicates that the *Coup d'œil* was published probably in December.

Dangers d'une commission intermédiaire des états généraux (S.l.n.d. Pp. 15).

Déclaration de la noblesse de Bourgogne au peuple des villes et des campagnes (S.l.n.d. P. 1).

Délibération de la ville d'Albi, capitale du pays d'Albigeois, contenant son vœu sur la formation des états généraux. Du 14 décembre 1788 (Albi, s.d. Pp. 8).

Délibération de la ville de Gaillac, ou diocèse et pays d'Albigeois, contenant son vœu sur la formation des états généraux. Du 23 décembre 1788 (Albi, s.d. Pp. 8).

Délibération du conseil municipal de la ville de Sisteron. . . Du 16 décembre 1788 (S.l.n.d. Pp. 10).

Délibération du conseil municipal de la ville de Toulon, sur le nombre respectif des députés de chaque ordre, tant aux états généraux, qu'à ceux particuliers de Provence et autres objets relatifs (Aix, 1788. Pp. 12).

Délibération du tiers état de la ville d'Alais (S.l., 1788. Pp. 5).

Délibérations de la chambre de police et de la commune de la ville de Châtillon-sur-Seine, en Bourgogne, concernant la tenue des états généraux du royaume. Des 20 et 21 décembre 1788 (Dijon, 1788. Pp. 13).

Le dernier mot du tiers état à la noblesse de France (S.l., 23 décembre 1788. Pp. 9).

Response to the "mémoire des princes." Mentioned by Hardy in his "Journal" on December 29.

Deuxième suite de l'écrit intitulé: Les états généraux convoqués par Louis XVI (S.l.n.d. Pp. 60). By Target. On page 24 is a reference to December 10. As the *Résultat du conseil* of December 27 is nowhere mentioned, I conclude that the pamphlet was published before the end of 1788. See above, Section (b): *Les états généraux convoqués*, etc.

Dialogue sous le ballet de la paroisse de Saint-Michel-du-Tertre; entre le bédau de la paroisse, un avocat, et un étudiant en droit (S.l.n.d. Pp. 20). A manuscript note on the title-page: "Par M. Welche, comte de Serrant et compagnie."

Différence de trois mois en 1788, par le marquis de Casaux, . . . (S.l., 1788. Pp. 39). On page 36 is a reference to the second Assembly of Notables.

Discours dans lequel on examine les deux questions suivantes: . . . Suivi de réflexions pratiques (S.l., ? Pp. 114). From the copy in the White Library, Cornell University, the date has been entirely erased and the following manuscript note substituted: "C'est la première édition de cet ouvrage; il n'a jamais été que réimprimé; cette impression est de 1788, les autres de 1789 et sortent des presses de Paris."

Discours prononcé au roi, le 22 décembre 1788, par Messire Louis-François de Paule Lefevre d'Ormesson, premier président du parlement de Paris (S.l.n.d. Pp. 11).

Discours sur la noblesse du parlement de Bretagne, prononcés aux chambres assemblées; avec des notes sur le même objet. . . Nouvelle édition, plus correcte . . . (10 et 13 décembre 1788) (S.l., 1789. Pp. 63).

Doctrine des parlements sur les états généraux, extraite des registres du parlement de Paris (S.l.n.d. Pp. 16). Signed: I.D.B.

Doléance d'un annobli (S.l.n.d. Pp. 7).

Doléances d'un vrai citoyen (S.l.n.d. Pp. 16). Deals with provincial assemblies.

Doléances sur les surcharges que les gens du peuple supportant en toute espèce d'impôts . . . , par M. J.-F. Gaultier de Biauzat (S.l., 1788. Pp. 248). Mentioned in *Gazette de Leyde* (1789), No. 9, under date of January 23, 1789.

Entretien de M. Linguet et de M. Bergasse (Bruxelles, 1788. Pp. 53). On page 53 is a reference to the arrêt of December 5.

Essai sur la nature, l'ordre et la forme des instructions qui peuvent être données par la province de Dauphiné à ses députés aux prochains états généraux, par un citoyen du tiers (S.l., décembre 1788. Pp. 47).

Les états généraux de 1789 vont offrir au monde un grand spectacle et un grand exemple . . . (S.l.n.d. Pp. 6).

Examen des motifs des douze notables, au bureau de Monsieur, pour adopter, contre l'avis des treize, l'avis qui a prévalu dans le cinq autres bureaux. Suivi de courtes observations sur le "Mémoire des princes" (S.l.n.d. Pp. 30).

Examen du "Mémoire des princes présenté au roi" (S.l.n.d. Pp. 23).

Exhortation présentée aux trois ordres de la province du Languedoc (S.l., 1788. Pp. 44). By Ant.-Jos. Michel Servan, according to Barbier.

Extrait d'un ouvrage imprimé à Rennes, intitulé: "La sentinelle du peuple . . ." (S.l.n.d. Pp. 7).

Extrait d'une lettre insérée dans le "Courier d'Avignon," du 20 décembre 1788, et le "Journal de Nîmes" (S.l.n.d. Pp. 1).

Extrait des registres aux délibérations du corps du magistrat de la ville et cité de Cambrai, du 19 décembre 1788 (S.l.n.d. Pp. 3).

Extrait des registres des délibérations de l'hôtel de ville et communauté de la ville de Nevers. Du . . . 21 décembre 1788 . . . (Nevers, s.d. Pp. 4).

Extrait du registre des délibérations de l'hôtel de ville de la Charité-sur-Loire, des 8 et 10 décembre 1788 (S.l.n.d.).

Extrait du registre des délibérations de la ville et paroisse de la Magdelène de Chateaugiron, où est écrit ce qui suit (S.l.n.d. Pp. 14).

Extraits du "Mémoire des princes présenté au roi," et notes relatives à ces extraits (S.l.n.d. Pp. 10).

De la formation des états généraux (S.l., décembre 1788. Pp. 91).

Les gobe-mouches (Palais-Royal, 1788. Pp. 16). By the Marquis de Champcenetz, according to Barbier.

Gloss et remarques sur l'arrêt du parlement de Paris du 5 décembre 1788 (Londres,

1789. Pp. 59). By Ant.-Michel Servan, according to Barbier. There was probably an earlier edition.

Le gouvernement sénati-clerico-aristocratique (S.l., 1788. Pp. 30). Written during latter half of December (pp. 8-9).

Idee (S.l.n.d. Pp. 15).

Idee véritable du despotisme (S.l.n.d. Pp. 4).

Invitation à monseigneur le comte de Provence, Monsieur, frère du roi (S.l.n.d. Pp. 8).

Invocation à la mémoire auguste de feu monseigneur le dauphin, père du roi, mise en tête du "Mémoire pour le peuple français" (Genève, 1788. Pp. 16). See below: *Mémoire pour le peuple français*.

Jugement impartial sur les questions principales qui intéressent le tiers état, par M. Ducloux du Fresnoy, notaire (Paris, 1788. Pp. 21). Cf. Chassin, *Les élections et les cahiers de Paris en 1789*, I, 48.

*Lettre à M. le duc de**** (S.l.n.d. Pp. 6).

Lettre à M. Necker, ministre des finances, par M. Baudy de C*** . . . (seconde édition, Paris, 1789. Pp. 16).

Lettre à M. Necker, ministre d'état, directeur général des finances, sur les formes à suivre pour l'élection des députés du tiers état de la ville de Lyon à l'assemblée des états généraux (Lyon, le 3 décembre 1788. Pp. 4).

*Lettre à M***; suite d'un discours prononcé en 1781, dans une assemblée particulière, sur l'administration de M. Necker; et du plan d'une loterie projetée en faveur du commerce, produisant cent millions en circulation*, par M. C*** (Lausanne, 1788. Pp. 45). By Croisier, according to Barbier.

Lettre bien importante de la chambre d'agriculture de Saint-Domingue, adressée aux membres du comité colonial, étant à Paris. Du 20 décembre 1788 (S.l.n.d. Pp. 16).

*Lettre d'Ali-Casna à Madame N***, en 1780* (S.l., 1788. Pp. 14).

Lettre d'un citoyen (S.l.n.d. Pp. 7).

Lettre d'un roturier aux nobles, ses confrères (S.l.n.d. Pp. 11). Hardy, in his "Journal," mentions this pamphlet under date of December 31, 1788.

*Lettre de l'abbé de T***, au comte de***, sur la vénalité des ennoblements et les exemptions fiscales* (S.l.n.d. Pp. 15).

Lettre de l'ambassadeur d'Angleterre au lord chancelier de l'échiquier à Londres (S.l.n.d. Pp. 4).

Lettre de l'Angleterre à la France (S.l.n.d. Pp. 29).

*Lettre de M*** à M**** (S.l.n.d. Pp. 16).

Lettre de M. de S. . . à M. Del. . . y aîné, avocat au siège présidial d'Angers (S.l.n.d. Pp. 8). The letter is signed "De S. . . t." The abbreviated names, according to Barbier, are Serrant and Delaunay.

Lettre des pairs au roi, du 20 décembre 1788 (S.l.n.d. P. 1). The peers offer to surrender their pecuniary privileges.

Lettre écrite au roi par les officiers de l'élection de Bordeaux, et adoptée par un grand nombre d'élections du ressort de la cour des aides de Paris (S.l.n.d. Pp. 30).

Lettre impartiale d'un breton à un extra-provinciale, sur les vrais intérêts des trois ordres en Bretagne (S.l.n.d. Pp. 34). On page 10 is a reference to No. 99 of the *Gazette de Leyde* and to the "résultats de l'assemblée des notables." On page 34 is the following: "Tous ces objets vont être éclaircis dans l'assemblée des états [de Bretagne] qui ouvrent le 29 de ce mois." The estates of Brittany were scheduled to meet on December 29, 1788.

Lettre sur le "Mémoire des princes présenté au roi" (S.l.n.d. Pp. 45).

Manière dont les parisiens doivent s'y prendre pour s'assembler et faire connaître leur vœu (S.l.n.d. Pp. 22). Sallier (*Annales françaises*, p. 236) tells us that this pamphlet was published in December and spread broadcast. Partially reprinted in Chassin, *Les élections et les cahiers de Paris en 1789*, I, 158-159.

Maximes intéressantes, puisées dans celui de nos écrivains qui, de l'aveu même des gentilshommes, a le mieux connu l'histoire et le droit français (S.l.n.d. Pp. 16). Quotations from Mably.

Mémoire adressé au roi par les officiers municipaux, notables et autres habitants formant le tiers état de la ville de Mirecourt, au sujet de la convocation des états

généraux du royaume et du rétablissement de ceux de la province de Lorraine (S.l.n.d. Pp. 9).

Mémoire adressé au roi par les officiers municipaux, notables et autres habitants formant le tiers état de la ville de Remiremont, au sujet de la convocation des états généraux du royaume et du rétablissement de ceux de la province de Lorraine (S.l.n.d. Pp. 18).

Mémoire des avocats du parlement de Bretagne, sur les moyens d'entretenir l'union entre les différents ordres de l'État (Rennes, 1788. Pp. 54). Bears date of December 22, 1788. Signed by exactly 100 avocats, including such names as Glezén, Lanjuinais, Le Chapelier, etc.

Mémoire du peuple français au roi (S.l.n.d. Pp. 13). Response to the *Mémoire des princes*. Bears date of December 23, 1788. Mentioned by Hardy in his "Journal" under date of December 29.

Mémoire du tiers état à présenter au roi (S.l.n.d. Pp. 8). A paraphrase of the *Mémoire des princes*.

Mémoire et consultation sur la question suivante: Quels sont les moyens que doivent employer les habitants de Paris . . . ? (S.l.n.d. Pp. 31). At the end: "Délibéré à Paris, le 18 décembre 1788." Mentioned by Hardy in his "Journal" under date of January 6, 1789. Reprinted in Chassin, *Les élections et les cahiers de Paris en 1789*, I, 79 et seq.

Mémoire pour le peuple français (S.l., 1788. Pp. 66). Mentioned by Hardy in his "Journal" under date of December 17. In *Correspondance de Grimm et de Diderot* (nouvelle édition, 1831), XIV, 218, a contemporary, under date of December, 1788, attributes the pamphlet to Cérutti and adds: "On en a fait deux éditions en moins de quinze jours. A la tête de la seconde se trouve un discours adressé à la mémoire auguste de feu monseigneur le dauphin, père du roi." Reprinted in *La Révolution française*, XV, 61-85.

Mémoire pour les curés de France, relativement à la convocation prochaine des états généraux (Avignon, 1788. Pp. 94).

Mémoire présenté au roi par les avocats au parlement de Normandie, sur les états généraux (S.l.n.d. Pp. 15). In the Bibliothèque de la Ville de Paris (604046), there is a reprint of this pamphlet which gives the date as December, 1788. Barbier gives the place of publication as Rouen and adds: "Ce mémoire, signé au nom des avocats par Ferry, syndic, et Legendre, secrétaire, a été rédigé par J.-G. Thouret, membre de l'assemblée constituante."

Mémoire présenté au roi par les juge et consuls de la ville de Paris (Paris, 1788. Pp. 7). Reprinted in Chassin, *Les élections et les cahiers de Paris en 1789*, I, 30 et seq.

Mémoire présenté au roi par MM. de la Frenaye, Moinery, de Bourges, Boulanger. . . . Suivi des réclamations du tiers état et supplique au roi, et de la lettre du clergé, de la noblesse et des communes de Dauphiné (S.l., 1788. Pp. 32).

Mémoire présenté au roi par monseigneur comte d'Artois, M. le prince de Condé, M. le duc de Bourbon, M. le duc d'Enghien, et M. le prince de Conti (S.l.n.d. Pp. 15). Commonly called the *Mémoire des princes*. Composed by A.-J.-B. Augé, Baron de Montyon, then chancellor of the Comte d'Artois, according to Barbier.

Mémoire que présentent à MM. les maire et échevins de la ville de Rouen, les communautés, corporations et citoyens particuliers de l'ordre du tiers état de cette ville (S.l.n.d. Pp. 12). According to Barbier, the author of this pamphlet was J.-G. Thouret and the date was December, 1788.

Mémoire sur l'importance pour la colonie de Saint-Domingue d'avoir des représentants à l'assemblée des états généraux, et sur la forme la plus légale de procéder à l'élection de ses députés (Paris, 1788).

Mémoire sur la création d'un papier-monnaie, qui serait national et permanent (S.l.n.d. Pp. 22).

Mémoire sur les rentes foncières dues aux gens de mainmorte, et les avantages que l'État peut en retirer, en autorisant les débiteurs à les rachater . . . (S.l.n.d. Pp. 15).

A messieurs les curés de France, sur la tenue prochaine des états généraux (S.l.n.d. Pp. 11).

Modestes observations sur la "Mémoire des princes," faites au nom de 23 millions

de citoyens français (Paris, 22 décembre 1788, Pp. 50). By the Abbé Gab. Brizard, according to Barbier. Pamphlet mentioned by Hardy in his "Journal" on December 29, 1788.

A monsigneur comte d'Artois (S.l.n.d. Pp. 16). An excoriation of the Comte d'Artois for allowing his name to be appended to the *Mémoire des princes*. Signed: Lau . . . de Lav . . . , A.C.D. & D.R.

A monsieur Necker (S.l.n.d. Pp. 3). Concerning Guillotin's *Pétition* of December 8, 1788.

Moyen qui donne deux cent quatre-vingt et quelques millions, non empruntés et fournis volontairement. Plus vingt-huit à trente autres millions de revenu (S.l.n.d. Pp. 19).

Moyen très simple de convoquer les états généraux, sans qu'il en coûte un sol au roi, par M. . . , avocat au parlement de Paris (27 décembre) (S.l.n.d. Pp. 20).

A la nation artésienne, sur la nécessité de réformer les états d'Artois (nouvelle édition . . . , s.l.n.d. Pp. 83). By Robespierre.

La noblesse considérée sous ses divers rapports, dans les assemblées générales et particulières de la nation. . . Par M. Chérin (Paris, 1788. Pp. 110 and 292).

A la noblesse de France, par un gentilhomme de province. 10 décembre 1788 (S.l.n.d. Pp. 23).

Nouveau catéchisme français (S.l.n.d. Pp. 16).

Nouvelle discussion des motifs des douze notables du bureau de Monsieur, contre l'avis qui y a prévalu. 23 décembre 1788 (Pp. 45).

Nouvelle lettre d'un patriote à un magistrat, sur les questions agitées à l'occasion de la prochaine tenue des états généraux. . . (S.l., 1788. Pp. 31). By P.-L.-C. Gin, according to Barbier.

Observations d'un membre du tiers état, à tous ceux de son ordre, qui, dans ce moment, éclairés sur ses véritables intérêts, seraient fermes pour les soutenir inviolablement; mais assez amis de la paix, pour désirer que ces deux objets pussent se concilier (Dijon, décembre 1788. Pp. 8).

Observations d'un tiers sur les "Réflexions d'un magistrat concernant le nombre et l'opinion par ordre et par tête" (S.l.n.d. Pp. 22). See above, section (c): *Réflexions d'un magistrat*, etc.

Observations de la commune de l'Orléanais en général (S.l.n.d.).

Observations lues à MM. les représentants du tiers état de la ville de Bordeaux, le 22 décembre. Par M. de Ladebat . . . (S.l., 1788. Pp. 28).

Observations pour l'université de Paris, au sujet de la prochaine assemblée des états généraux du royaume (S.l., 1788. Pp. 8).

Observations sur l'assemblée des états généraux, avec projet d'élection des députés, formation d'une commission intermédiaire et ordre de séance des députés (S.l., 1788. Pp. 23).

Observations sur la représentation des trois ordres aux états généraux (S.l., 1788. Pp. 32). Date: December 8-15 (pp. 6 and 24).

Observations sur le vœu des notables (S.l., 1788. Pp. 15).

Observations sur les principes de la constitution des états de Dauphiné, contenant leur examen et leur développement, pour servir aux généraux (S.l., 1788. Pp. 87).

Ode patriotique, par M. Chaussard, avocat au parlement (S.l., 1788. Pp. 10).

Opinion d'un ami de tout le monde (S.l.n.d. Pp. 8).

Opinion du président Montesquieu sur la question des délibérations par tête ou par ordres dans les assemblées législatives et sur l'exercice de la puissance exécutive (S.l.n.d. Pp. 7).

Petit prône aux roturiers, en attendant le grand sermon aux français de tous les ordres, par M. V***, l'un des prédicateurs du temple de la justice à A . . . (S.l.n.d. Pp. 21).

Petite lettre à un grand homme, accusé d'écrits séditieux et de manœuvres perfides (S.l.n.d. Pp. 7).

Pétition des citoyens domiciliés à Paris, du 8 décembre 1788 (Paris, 1788. Pp. 20). By Dr. Guillotin. Cf. Chassin, *Les élections et les cahiers de Paris en 1789*, I, 34 et seq.

Plan pour la formation des états provinciaux de la Lorraine et du Barrois, et pour l'élection des députés aux états généraux (S.l., décembre 1788. Pp. 40).

Les politiques du galatas (S.l., 1788, Pp. 28). A humorous discussion of the numerous pamphlets of the day.

Post-scriptum de l' "Essai sur la manière de composer et de convoquer les états généraux" (S.l.n.d. Pp. 16). See above, Section (b): *Essai sur la manière*, etc.

Le pour et le contre dans l'affaire qui fait tant de bruit . . . (S.l., décembre 1788. Pp. 176).

Les pourquoi d'un homme ignorant et les parce que d'un homme sincère, publiés par un homme discret pour l'instruction des hommes du tiers état (S.l., 1788. Pp. 17).

Premiers principes d'une bonne administration, et causes de la décadence d'un royaume (S.l.n.d. Pp. 23). Signed: D. de V. By Duchesne de Voiron, according to Barbier.

Les principes du gouvernement simplifiés et réduits à sept unités naturelles (S.l.n.d. Pp. 122).

Principes sur la constitution de la France et des états généraux (S.l., 1788. Pp. 47). Written while the second Notables were in session (pp. 5 and 20).

Projet de réponse à un mémoire répandu sous le titre de "Mémoire des princes." 21 décembre 1788 (S.l.n.d. Pp. 51). Reprinted under the title: *Projet de réponse du roi à un écrit sous le titre "Mémoire des princes"* (S.l.n.d. Pp. 31). By the Abbé Morellet, according to Barbier. For another pamphlet by the same author, see above, Section (c): *Observations sur le projet de former une assemblée nationale*, etc.

Projet pour l'assemblée des états généraux (Aux pays des chimères, décembre 1788. Pp. 12). Subtitle: *L'opinion d'un avocat dans la cause commune*.

Quelques idées sur les grandes questions du moment, par le marquis de Casaux . . . (S.l., 1788. Pp. 45). Written after December 5 (pp. 3 and 7). On page 24 is a reference to Mirabeau's pamphlet *Sur la liberté de la presse* (see below). For another pamphlet by Casaux, see above, Section (b): *Questions à examiner*, etc.

Quelques mots à la noblesse et au tiers états (S.l.n.d. Pp. 34).

Rassurez-vous, milord, nos anciens rivaux ne sont pas encore à craindre . . . (S.l.n.d. Pp. 6). Thus begins a letter to an English lord, dated December 19.

Récit de ce qui se passé à l'ignoble assemblée des notables (S.l., 1788. Pp. 6).

*La réflexion faite un peu tard, ou le voyageur babillard. Dédiée à mylord W**** (Londres, 1788. Pp. 32).

Réflexions d'un membre de l'ordre du tiers état (S.l.n.d. Pp. 123). Written after October 5 but not published until after December 22 (pp. 18 and 112).

Réflexions de Jean-Baptiste, porteur-d'eau, et qui plus est, citoyen; avec une apologie des sentiments de la cour, et des prétentions du tiers état (S.l.n.d. Pp. 28). Mentioned by Hardy in his "Journal" under date of January 13, 1789.

Réflexions sur le "Mémoire des princes," par un avocat de province (S.l.n.d. Pp. 16).

Réflexions sur les longues et utiles opérations des notables (S.l.n.d. Pp. 12).

Réponse au mémoire de quelques princes du sang (S.l.n.d. Pp. 13).

*Réponse d'un médecin de village à la pétition du Dr. G**** (S.l.n.d. Pp. 24). Signed: D*** D***. For Dr. Guillotin's pamphlet, see above: *Pétition des citoyens domiciliés*, etc.

Réponse de monseigneur comte d'Artois aux lettres adressées à son altesse royale (S.l.n.d. Pp. 16).

Réponse des négociants de la ville de Grenoble, à MM. les juges-consuls de Montauban . . . (S.l.n.d. Pp. 9).

Requête au roi par les habitants de la ville de Lyon. Décembre 1788 (S.l.n.d. Pp. 15).

Requête d'un cultivateur au roi, après la retraite des notables (S.l.n.d. Pp. 16). A plan for financial reforms.

Requête d'une société rustique à toutes les assemblées générales provinciales du royaume, par un curé de campagne, à portion congrue (S.l., 1788. Pp. 71).

Requête de tous les gentilshommes du royaume possédant depuis 300 livres jusqu'à 4,000 livres de revenu. A nosseigneurs du parlement de Paris (S.l.n.d. Pp. 8).

Requête du tiers état de la ville de Bourg (1^{er} décembre); suivie de la délibération des officiers municipaux (7 décembre) (S.l., 1788. Pp. 50).

Requête et avis d'un citoyen du Dauphiné, aux membres respectables qui doivent

composer les états généraux du royaume, convoqués par le roi Louis XVI, pour le mois de janvier 1789 (Bruxelles, 1788. Pp. 57).

Requête présentée au roi par le tiers état de la ville de Dijon; avec les délibérations prises à l'hôtel de ville par les différents corps et communautés de la même ville (5-16 décembre) ([Dijon], imp. de Causse, 1788. Pp. 34).

Résultat de l'assemblée des pairs, du 20 décembre 1788 (S.I.n.d. Pp. 2).

Du samedi 6 décembre 1788 (S.I.n.d.).

Seconde consultation contre ci-devant soi-disant grand-bailliage de Beauvois, servant de réponse au mémoire publié pour sa défense (20 décembre) (Paris, 1788. Pp. 66).

Seconde lettre à monsieur le comte d'Artois (S.I.n.d. Pp. 14).

Seconde lettre de M. le comte de S . . . t, en réponse à celle de M. Del . . . y l'aîné (9 décembre) (S.I.n.d. Pp. 19). The names here abbreviated are, according to Barbier, Serrant and Delaunay.

S'il est de l'intérêt du tiers état de se choisir des représentants dans son sein exclusivement? (S.I.n.d. Pp. 4).

Soyons de bonne foi (S.I.n.d. Pp. 32). At the end: "Le comte Duprat, décembre 1788." For another pamphlet by the same author, see above, Section (b) *À qui voudra me lire*.

Suite des "Lettres aux notables sur la forme et l'objet des états généraux, par M. P.-V. Calonges" (Pp. 61 + 108). See above, Section (c): *Lettres aux notables*, etc.

Supplément à "La cour plénière," en un acte, avec des notes intéressantes, pour servir de suite aux premières éditions de cet ouvrage (Baville, 1788. Pp. 28). See above, Section (a): *La cour plénière*, etc.

Sur la liberté de la presse, imité de l'anglais, de Milton, par le comte de Mirabeau (Londres, 1788. Pp. 66). This pamphlet was in the press when the arrêt of December 5 appeared (p. 64).

Sur la pétition proposée aux parisiens (S.I.n.d. Pp. 8). See above: *Pétition des citoyens domiciliés*, etc.

*Le tartare à Paris, par M. l'abbé A**** (Paris, 1788. Pp. 159). By J. Fr. André, according to Barbier.

Le tiers état au roi (S.I.n.d. Pp. 61). Preceding the title-page is a letter addressed to the king, signed "Louchet" and dated "Rodez, le 20 décembre 1788."

Très humbles et très respectueuses observations adressées aux assemblées particulières des provinces, par le comte de Sanois (S.I.n.d. Pp. 8).

Un bonhomme aux états généraux, sur quelques objets relatifs aux arts; sur M. Poyet et les plagiaires, etc., etc., etc. (Londres, décembre 1788. Pp. 28).

De l'unité du pouvoir monarchique (S.I., 1788). On page 53 begins another pamphlet entitled *Mémoire sur le pain des troupes*. There are seventy-six pages for both pamphlets. By the Marquis de Beaupoil Saint-Aulaire, according to Barbier.

Un mot à l'oreille du clergé (S.I.n.d. Pp. 8).

Un rien. L'ami du tiers état réveillé (S.I.n.d. Pp. 8).

La véritable sentinelle du peuple (S.I.n.d. Pp. 18). Mentioned by Hardy in his "Journal" under date of December 22, 1788.

La vérité à la noblesse française (S.I.n.d. Pp. 16).

Vérités philosophiques et patriotiques sur les affaires présentes (S.I., 1788. Pp. 24). Deals with the behavior of the Breton nobles. Barbier attributes this pamphlet to Jacques-Guillaume Thouret but adds: "La brochure dont il s'agit ici est citée dans l'Introduction au *Moniteur*, p. 229; mais M. Thouret fils m'a déclaré n'avoir aucune connaissance de cet écrit, attribué sans doute trop légèrement à son illustre père."

Le vœu d'un ancien serviteur du roi (S.I.n.d. Pp. 16).

(e) *Pamphlets Published between December 27, 1788, and January 24, 1789.*

Les abeilles de la Seine (S.I.n.d. Pp. 14). An allegory.

Acte d'adhésion de plusieurs de MM. les membres de la chambre de la noblesse des états de Franche-Comté, et en réclamation contre le dernier arrêté de la dite chambre (S.I.n.d. Pp. 8).

De l'action de l'opinion sur les gouvernements (S.I., 1789. Pp. 80). At the end appears: "Paris, ce 25 novembre 1788." By J.-P. Papon, according to Barbier.

Adresse de remerciement, présentée au roi par les officiers municipaux de la ville d'Alençon, en assemblée générale (Alençon, 1789. Pp. 13).

Adresse de remerciement, présentée au roi par les officiers municipaux en exercice, les anciens et les notables de la ville de Dieppe, en assemblée générale. Janvier 1789 (Dieppe, 1789. Pp. 16).

Adresse de remerciement au roi par MM. les députés composant la commission intermédiaire provinciale de l'Orléanais (13 janvier) (Orléans, 1789).

Adresse de remerciement présentée au roi par les officiers municipaux de la ville de Rouen en assemblée générale (S.l., 1789. Pp. 15).

Adresse de remerciement présentée au roi par les officiers municipaux de la ville de Saint-Lô, en assemblée générale (Coutances, 1789. Pp. 8).

Adresse de remerciement du tiers état de Bordeaux au roi (S.l.n.d. Pp. 8).

L'an 1789, ou la vérité au pied du trône (Genève, 1789. Pp. 119).

À l'ancienne noblesse (S.l.n.d. Pp. 8).

Appel aux chefs qui font priefs du "Jugement impartial" de M. Duclaz Dufresnoy, . . . sur les questions principales qui intéressent le tiers état, par M. Thorillon, . . . (Amsterdam et Paris, s.d.). See above, Section (d): *Jugement impartial*, etc.

Arrêt du conseil d'état du peuple, qui casse et annule l'arrêt du parlement de Rennes du 8 janvier, qui condamne au feu l' "Avis aux parisiens," "Les Gracches français," etc., et défend à tous particuliers de s'assembler (Du 9 janvier 1789) (S.l.n.d. Pp. 4).

Arrêts de la cour du parlement de Rennes et du conseil d'état du peuple de Rennes (7-9 janvier) (S.l.n.d. Pp. 29).

Arrêté des trois ordres du pays de Velay (22 décembre 1788-10 janvier 1789) (Le Puy, s.d. Pp. 27).

Arrêté et suppléments du parlement de Toulouse, concernant les états de Languedoc. Du 21 janvier 1789 (S.l.n.d. Pp. 8).

Arrêtés des trois ordres du pays de Velay. Du 20 janvier 1789 (S.l.n.d. Pp. 12).

Au peuple français (S.l.n.d. Pp. 14). At the end: "A Paris, ce 13 janvier 1789." Signed: Le comte de Barruel-Beauvert, capitaine au bataillon de garnison de Bretagne.

Au roi (S.l.n.d. Pp. 16). Protest of the clergy and nobility of Brittany against the arrêt du conseil of January 3.

Au roi et à nosseigneurs de son conseil (S.l.n.d. Pp. 6). Chambers of commerce demand representation in the Estates General.

Au roi, sur les causes du déficit, sur la subsistance, et sur les impositions (Londres et Paris, 1789. Pp. 115). The author was Bourdon des Planches (p. 42).

Aux âmes chrétiennes. Soixte, none, vêpres et complies, pour tous les jours de la semaine. À l'usage du peuple (S.l.n.d. Pp. 8).

Aux français, par un ami des trois ordres (S.l.n.d. Pp. 8). On page 7 is a reference to December 24, 1788. By Ch.-G. Toustain de Richebourg. For another pamphlet by the same author, see above, Section (c): *Eclaircissement à l'amiable*, etc.

Avis à mes concitoyens (S.l., janvier 1789. Pp. 15).

Avis au tiers état de Bourgogne, par la noblesse de la même province (25 janvier) (S.l.n.d. Pp. 8).

Avis aux normands (S.l., 1789. Pp. 35).

Avis de plusieurs bons citoyens de tous les ordres à toutes les assemblées d'élection qui doivent se tenir dans les pays d'états et dans les bailliages et sénéchaussées du royaume, pour nommer les représentants de la nation aux états généraux (S.l., 1788. Pp. 17). At the end: "Cet Avis était imprimé lorsque le Résultat du conseil, du 27 décembre 1788, et le Rapport du ministre des finances ont été publiés."

Avis du moment (S.l.n.d. Pp. 4). On troubles in Brittany.

Avis salutaire à la noblesse de Bretagne (S.l.n.d. Pp. 27). On page 12 is a reference to the arrêt of January 3, 1789.

Cahier du tiers état à l'assemblée des états généraux de l'année 1789 (S.l., 1 janvier 1789. Pp. 62). There were at least three editions of this pamphlet. One edition of thirty-six pages purports to be "par M. B . . . e." Another of forty-three pages "par M. Bergasse." But Bergasse denied emphatically that he was the author (*Lettre de M. Bergasse sur les états généraux*, p. v).

Catéchisme des parlements (S.l.n.d. Pp. 16). On page 7 is a reference to December 1, 1788. Pamphlet condemned by the Parlement of Paris on March 6, 1789 (Brette, *Doc.*, I, 41).

Catéchisme des trois ordres, pour les assemblées d'élection, par un gentilhomme français (S.l., janvier 1789. Pp. 33). By Huet de Froberville, according to a manuscript note on the copy in the Bibliothèque Nationale.

Cave tibi, popule, ou instructions au tiers état, sur le danger de sa position actuelle. Par un noble de fraîche date (S.l., 1789. Pp. 45).

Cejourd'hui 11 janvier 1789 . . . (Dijon, 1789. Pp. 4). Thus begins a "délibération de l'ordre des avocats de Dijon."

La confession d'un pauvre roturier angevin, à l'occasion d'un avis au tiers état de la province d'Anjou (S.l., 1789. Pp. 19).

Copie de la lettre écrite le 16 janvier 1789, par monseigneur de V . . . , évêque et C. de G . . . à M. Necker, ministre des finances, avec des notes instructives (S.l.n.d. Pp. 16).

De la convocation des états généraux, et de la nécessité de former un quatrième ordre de l'état, par M. L. C. D. S. F. (S.l., 1789. Pp. 38).

Le credo de la noblesse, avec les notes du tiers: le tout terminé par des litanies. Par l'auteur du "Gloria in excelsis" (S.l., 1789. Pp. 15). Mentioned by Hardy in his "Journal" under date of February 6, 1789.

Décadence des parlements, du clergé et de la noblesse (S.l., 1789. Pp. 30).

Déclaration de la noblesse du Roussillon. Du 21 janvier 1789, A Perpignan (S.l.n.d. Pp. 4). Renunciation of pecuniary privileges.

Déclaration de l'ordre de la noblesse de Bretagne, du 10 janvier 1789 (S.l.n.d. Pp. 2). *Déclaration de M. d'Espréménail, au sujet d'un imprimé faussement répandu sous son nom* (13 janvier) (S.l.n.d.).

Délibération de l'assemblée générale de la ville de Romorantin, tenue le 13 janvier 1789 (Orléans, s.d.).

Délibération des habitants de la ville de Clermont-Ferrand, du 28 décembre 1788.

Délibération des habitants de la ville de Saint-Jean-de-Lozue. Du 28 décembre 1788 (Dijon, 1789. Pp. 23).

Délibération des trois ordres de la ville d'Albi, concernant les états généraux du royaume, et les états provinciaux de Languedoc (Albi, s.d. Pp. 10).

Délibération du bourg de Cucuron (9 janvier 1789) (S.l.n.d. Pp. 32).

Délibération et réclamation du tiers état de la ville de Montpellier, 1789. (S.l., 1789. Pp. 15).

Délibération prise à l'assemblée générale de la commune de la cité royale de Besançon, tenue le 16 janvier 1789 (Besançon, s.d. Pp. 18).

Délibération prise par la ville de Saint-Pierre-le-Moutier, en conseil général (Moulines, 1789. Pp. 8). It begins thus "Cejourd'hui 8 décembre 1788."

Délibération prise par les gens des trois ordres du diocèse d'Agde, assemblés en ville de Pesenat. . . Du 5 janvier 1789 (S.l.n.d. Pp. 13).

Délibération proposée aux français, avant la tenue des états généraux . . ., par M. Bouys, président de l'élection de Nevers (Paris, 1789. Pp. 38). Another edition (pp. 36), with the same date and localization, is anonymous. Rivarol (*Mémoires*, p. 182) correctly describes the nature of this pamphlet, but he is mistaken about the date of its appearance.

De la dette nationale et du crédit public en France. Par M. Linguet (Bruxelles, 1789. Pp. 56). The date is January, according to a manuscript note on the copy in the Bibliothèque Nationale.

Dialogue entre Phocion et Mably, aux Champs Elysées, à l'occasion des états généraux de la France . . . (Paris, 1789. Pp. 27).

Discours aux trois ordres du Velay, assemblés le 20 janvier 1789, par M. Dorihac . . . un des commissaires (S.l., 1789. Pp. 14).

Discours prononcé par l'un de MM. les secrétaires de la noblesse, au nom de son ordre, à l'assemblée des députés du clergé de la Sainte-Chapelle de Dijon, et de ceux des corps et communautés du tiers état de cette ville, qu'elle y avait invités le 27 décembre 1788 (S.l.n.d. Pp. 15).

Discours prononcé, le 16 décembre 1788, devant MM. les officiers municipaux du Mans . . ., par M. Mortier des Varannes, avocat en parlement et au siège présidial du Mans (S.l., 1789. Pp. 38).

Des droits du clergé dans les affaires publiques. Papier trouvé sous les arcades du Palais Royal (S.l.n.d. Pp. 30). On page 3 is a reference to December 27, 1788.

Éclaircissements sur les doutes de MM. de la noblesse de Bretagne, au sujet de l'égalité de la répartition de l'impôt de la capitation (En Bretagne, 1789, Pp. 28).

De l'égalité de représentans, et de la forme des délibérations aux états généraux de 1789 (S.l., 1789. Pp. 92).

Élévation du clergé, et moyen sûr de combler le déficit (S.l.n.d. Pp. 15). On page 1 is a reference to the *Résultat* of December 27 as "having just been decided."

Encore quelques mots, sur la question de savoir si le tiers état peut être représenté par des membres des ordres privilégiés, par l'auteur du "*Jugement impartial*," (Paris, s.d. Pp. 7). By Ducloz Du Fresnoy. See above, Section (d): *Jugement impartial*, etc. Cf. Chassin, *Les élections et les cahiers de Paris en 1789*, I, 48.

Entendons-nous. Dissertation sur le "Mémoire des princes présenté au roi," par M. B. de C*** (Londres et Paris, 1789. Pp. 14).

Entretien curieux entre Guillaume Lefranc, bourgeois de Paris, qui a signé la pétition du docteur Guillotin, et Hercule de Sottancourt, duc de Sottenville, marquis de Montre-Orgueil et de Sot-Partout, l'un des douze gentilshommes, etc., etc. Dédié aux bons patriotes (Rennes, 1789. Pp. 97).

L'erreur du moment démontrée par le calcul (S.l.n.d. Pp. 19). On page 15 is a reference to the *Résultat* of December 27, 1788.

Espèce de réponse au gouverneur supposé des isles Sainte-Marguerite (S.l., 1789. Pp. 28).

De l'esprit du clergé dans les états généraux, essai suivi de quelques observations sur le "Mémoire des princes" (S.l., 1789. Pp. 23).

Essais sur les assemblées provinciales, ou réflexions d'un patriote sur les effets qui en sont résultés (nouvelle édition . . . , Londres, 1789. Pp. 120). At the end of the dedication, which is to Monsieur, is the date: Janvier 1789.

Étrennes au public (S.l.n.d. Pp. 56 and 24). This is a collection of four pamphlets. The last, entitled *Harangue miraculeuse, ou le muet devenu orateur*, has a separate pagination. On page 4 of the *Harangue* is the following: "On venait de recevoir et de lire le *Résultat* du conseil d'état du roi." The author was the Abbé Cérutti, according to Barbier.

Extrait d'une lettre écrite de Rennes, en date du 2 janvier 1789 (S.l.n.d. Pp. 3).

Extrait des délibérations de l'hôtel de ville de Nuits en Bourgogne. Du 31 décembre 1788, heure de deux après midi (Dijon, 1788. Pp. 11).

Extrait des registres des délibérations de la ville et communauté de Vannes (3-23 janvier) (S.l.n.d. Pp. 15).

Extrait du charnier des innocents ou cri d'un plébéien immolé (A. Bordeaux, de l'imprimerie de P . . . P . . . , imprimeur des citoyens, malgré ceux qui ne le veulent pas, 1789. Pp. 25). Signed: De Droiture, avocat en parlement.

Extrait du procès-verbal de la noblesse de Bourgogne, assemblée à Dijon. Du 20 décembre 1788 au 7 janvier 1789 (S.l.n.d. Pp. 122). Renunciation of pecuniary privileges.

Extrait du registre commun des délibérations des dix paroisses de la ville de Rennes. Du 19 janvier 1789 (S.l.n.d. Pp. 42).

Extrait du registre des délibérations de l'hôtel de ville d'Auxonne en Bourgogne. Du 11 janvier 1789, heure de deux après midi (S.l.n.d. Pp. 21).

Extraits raisonnés des séances des états de Bretagne, convoqués à Rennes par sa majesté, au 29 décembre 1788 (Rennes, 1789. Pp. 32).

Extraits des registres des délibérations de l'hôtel de ville de Poitiers (9-29 décembre) (Poitiers, s.d.).

Le fanal du tiers état. Par l'auteur du "Jugement du Champ de Mars" (S.l.n.d. Pp. 44). The first paragraph contains this statement: "Louis XVI accorde au tiers état égalité de députés avec ceux des deux autres ordres." This is a reference to the *Résultat* of December 27, 1788. The author, according to Barbier, was Le Tellier, avocat. See below: *Jugement du Champ de Mars*, etc.

Le fou retrouvé, ou avis au commandant du château des isles de Sainte-Marguerite (En Provence, 1789. Pp. 48). A pleasantry at the expense of Duval d'Espréménil.

Français, qu'allez-vous faire? (S.l.n.d. Pp. 13). On page 6 is a reference to renunciation of pecuniary privileges, indicating that the pamphlet was written after December 20, 1788.

Le gloria in excelsis du peuple, auquel on a joint l'épître et l'évangile du jour; avec

la réflexion et la collecte (S.I., 1789. Pp. 4). Mentioned by Hardy in his "Journal" under date of January 23, 1789.

La grande saignée, suivie de l'application des sang-sues, terminée par une révolution et le jugement dernier (S.I.n.d. Pp. 16).

Herangue miraculeuse, ou le muet devenu orateur (S.I.n.d. Pp. 16). On page 4 is a reference to the *Résultat* of December 27, 1788. See above: *Étrennes au public*.

Idées sur les cahiers à faire pour les états généraux de 1789. Suivies de maximes sur les gouvernements (S.I.n.d. Pp. 26).

Injustice des prétentions du clergé et de la noblesse (S.I., 1789. Pp. 29). On page 20 is a reference to existing troubles in Brittany.

Inspiration de la grâce suffisante, et qui suffira, au tiers état (Lorient, 1789. Pp. 17).

Instructions ampliatives et succinctes, sur les délibérations à prendre par les trois ordres des citoyens députés aux états généraux, adressés à nos très chers et magnanimes concitoyens de la province du Dauphiné (S.I.n.d. Pp. 16).

Intérêt du tiers état de ne choisir ses représentants que dans son ordre (S.I., 1789. Pp. 47).

Jugement du Champ-de-Mars, rendu le peuple assemblé, les laboureurs y séant. Du 26 décembre 1788 (S.I.n.d. Pp. 53). By Le Tellier, avocat, according to Barbier.

*Lettre adressée à Madame N****. Paris, ce 30 décembre 1788 (S.I.n.d. Pp. 4). Signed: Daiteg. Appended is a *chanson* in praise of M. Necker.

Lettre adressée le 26 décembre 1788 à M. Necker, directeur général des finances, par le sieur L. C., . . . (S.I.n.d. Pp. 3). Concerning Dr. Guillotin's *Pétition*.

*Lettre amicale à M. N**** (S.I.n.d. Pp. 56). Sarcastic criticism of Necker's *Rapport* of December 27, 1788, by a supporter of the privileged classes.

Lettre à l'auteur de l'écrit intitulé "Projet de réponse à un mémoire répandu sous le titre de 'Mémoire des princes'" (S.I.n.d. Pp. 10). Dated January 15, 1789. See above, Section (d): *Projet de réponse*, etc.

Lettre à un censeur royal sur la liberté de la presse (S.I.n.d. Pp. 15). Signed: M. Dated January 1, 1789.

Lettre à un étranger (S.I.n.d. Pp. 20). Signed: L. C. D. R. Bears the following date and place: Paris, 1^{er} janvier.

Lettre au roi (S.I.n.d. Pp. 20). Signed: de L . . . On page 16 is a reference to the *Rapport* of December 27, 1788.

Lettre au roi (S.I., 1789. Pp. 32). Signed: L . . . P . . . D'A . . .

Lettre au roi, par un gentilhomme du Vexin français (S.I.n.d. Pp. 15). Signed: Clery, chevalier de l'Ordre royal et militaire de S. Louis, ancien capitaine au regiment de Soissonnais. On page 4 is a reference to the *Résultat* of December 27, 1788.

Lettre d'un avocat de Paris, ou modestes observations sur la troisième question traitée dans le Rapport fait au roi par le ministre de ses finances, touchant l'admission des nobles pour députés du tiers état dans l'assemblée prochaine des états généraux (10 janvier) (Paris, 1789. Pp. 22).

Lettre d'un gentilhomme bourguignon à un gentilhomme breton, sur l'attaque du tiers état, la division de la noblesse, et l'intérêt des cultivateurs (S.I., 1789. Pp. 27). By the Vicomte de Chastenay-Saint-Georges, according to Barbier.

Lettre d'un gentilhomme dauphinois, à un de ses amis, en Dauphiné (S.I.n.d. Pp. 19). On page 7 is a reference to the *Rapport* of December 27, 1788.

Lettre d'un paysan à son curé, sur une nouvelle manière de tenir les états généraux (S.I.n.d. Pp. 25). Signed: Nic. Vartout. Dated: A Sartrouville, ce 15 de l'an 1789. By L.-Ant. de Caraccioli, according to Barbier.

Lettre d'un plaideur du Nivernois à son curé, au sujet d'une diatribe publiée contre l'évêque de Nevers (S.I.n.d. Pp. 7). Signed: Benoit de Sologne: A Paris, le 12 janvier 1789.

Lettre d'un dévot de Gascogne à Madame Necker . . . (Toulouse, s.d. Pp. 31). On page 4 is the date: premier janvier 1789.

Lettre de M. Aimant, vicaire à Philanthropia en Montagne, à la noblesse de Franche Comté (S.I.n.d. Pp. 14).

Lettre de M. Sobry à M. le comte de Rivarol, sur l'utilité de la critique . . . (S.I., 1789. Pp. 35). At the end: "Paris, le 1^{er} janvier 1789."

Lettre de remerciement, adressée au roi par les maires et échevins de la ville de Montargis-le-Franc (S.I., 1789. Pp. 4).

Lettre de Robin premier, roi des isles Sainte-Marguerite, petites maisons et mers adjacentes, à Louis XVI, roi de France, de Navarre et de Corse (Aux Isles Sainte-Marguerite, 1789. Pp. 20). Pleasantry at the expense of Duval d'Espréménail.

Lettre des commissaires des trois ordres du diocèse d'Alais à M. l'évêque d'Alais . . . 21 janvier 1789.—Réponse . . . 24 janvier 1789 (S.I.n.d. Pp. 8).

Lettre des évêques, barons, vicaires généraux et envoyés, représentant l'ordre du clergé et la noblesse de la province de Languedoc, au roi.—Discours . . . (S.I.n.d. Pp. 4). Renunciation of pecuniary privileges.

Lettre du parlement de Bordeaux, au roi, du 23 janvier 1789 (S.I.n.d. Pp. 8).

Lettre du tiers état à M. Necker, sur le Rapport fait par ce ministre citoyen au conseil d'état du roi, le 27 décembre 1788 (S.I., 1^{er} janvier 1789. Pp. 15). Fulsome praise of Necker. Mentioned by Hardy in his "Journal" under date of January 13, 1789.

Lettre écrite au roi par les états de la province du Dauphiné, sur le Résultat du conseil d'état, du 27 décembre 1788, et sur le Rapport de M. Necker.—*Lettre écrite à M. Necker par les états de Dauphiné, sur son Rapport fait au roi dans son conseil* (S.I.n.d. Pp. 4).

Lettre écrite au roi par une partie de la noblesse de Franche Comté (S.I.n.d. Pp. 2).

Lettre écrite par les curés de Franche Comté au roi, au sujet des manœuvres d'une partie du haut clergé et de la noblesse (S.I.n.d. Pp. 11).

Lettres à quelques propriétaires en province . . . (S.I.n.d. Pp. 32). Only one letter.

Lettres écrites au roi par les maires et échevins de la ville de Dieppe (4 novembre et 2 décembre 1788) (S.I., 1789. Pp. 24).

Libre avis d'un citoyen sur les questions qui se sont élevées depuis la nouvelle convocation des états généraux . . . (15 janvier) (S.I., 1789. Pp. 36).

Litanies du tiers état (S.I.n.d. Pp. 15). Mentioned by Hardy in his "Journal" under date of January 30, 1789.

La Lorraine (S.I.n.d. Pp. 7). Minutes of an assembly, dated January 20-25, 1789.

Ma confession (S.I.n.d. Pp. 4). Sarcasm at the expense of Necker.

Mandats donnés à MM. les députés du Dauphiné pour leurs pouvoirs aux états généraux. A Romans, le 9 janvier 1789 (S.I.n.d. Pp. 7).

Manière judicieuse et équitable d'envisager l'autorité (S.I.n.d. Pp. 11). The date is January, 1789, according to a manuscript note on the copy in the Bibliothèque Nationale.

Manifeste de la province de Flandre. A Paris, le 4 janvier 1789 (Paris, s.d. Pp. 29). Signed: J. F. Rohaert.

La matinée d'un observateur sentimental. Par un breton (S.I., 1788. Pp. 74). The secondary title is as follows: *Ma fenêtre, ou la matinée d'un observateur sentimental, 1789*.

Mémoire à consulter et consultation sur les états du Velay, du Languedoc et du royaume (S.I.n.d. Pp. 50). Mentioned in *Gazette de Leyde* (No. 5) under date of January 16, 1789.

Mémoire au roi en faveur de la noblesse française, rédigé par un patricien ami du peuple (S.I.n.d. Pp. 34). Signed: Le marquis de Gouy d'Arsy. On page 6 et *passim* are references to December 27, 1788.

Mémoire au roi pour la noblesse de Dauphiné (S.I.n.d. Pp. 20).

*Mémoire des curés, du diocèse de***, adressé au roi, le 30 décembre 1788, relativement à la convocation des états généraux* (S.I.n.d. Pp. 16).

Mémoire du clergé citoyen, en réponse aux attaques de la noblesse (S.I.n.d. Pp. 21).

Mémoire pour l'établissement d'une caisse publique nationale ou française (S.I.n.d. Pp. 30). The first sentence is as follows: "Les états généraux devant être assemblés le 27 avril prochain." This means the pamphlet was written after December 27, 1788.

Mémoire présenté au roi, contenant adhésion en faveur du tiers état, par M. de Montaigne, marquis de Poncins (20 janvier) (S.I., 1789. Pp. 31).

Mémoire sur la forme de convoquer les états généraux, par M. Poullétier (S.I., 1789. Pp. 31).

Mémoire sur le choix de la délibération par tête ou par ordre (S.I.n.d. Pp. 28).

Mémoire sur le droit qu'a la noblesse de Languedoc, de nommer ses députés aux états généraux du royaume, dans des bailliages et sénéchaussées (S.I.n.d. Pp. 18).

Mes prophéties sur les états généraux de 1789 (S.I., janvier 1789. Pp. 44).

Le mieu et le vrai pour les intérêts du tiers état (S.I.n.d. Pp. 24).

Mon opinion motivée, ou le vœu d'un gentilhomme normand à la noblesse normande,

par M. D.B . . . , chevalier de l'ordre royal et militaire de St. Louis (S.I.n.d. Pp. 16). On pages 3, 12, and 15 are references to the *Rapport* of December 27, 1788.

A monseigneur, monseigneur le directeur général des finances (S.I.n.d. Pp. 8).

A MM. les curés lorrains et autres ecclésiastiques séculiers du diocèse de Metz (S.I.n.d. Pp. 4). Dated: Nancy, le 22 janvier 1789.

De la noblesse et des moines, par le comte L . . . de G . . . (S.I., 1789. Pp. 22).

Le nœud gordien sur les états généraux (En France, 1789. Pp. 54). At the end: "Fait à Versailles, par M. B.D.L.C.P.L.E.L. etc." According to Barbier, the author was the Abbé J.-A. Brun.

Le nouveau Paraclet du tiers état français (S.I., 1789. Pp. 7). By M. Remy, "curé de Gorhey," according to a manuscript note on the copy in the Bibliothèque Nationale.

Observations à MM. du tiers état d'Auxerre, sur l'article où ils demandent à débattre par tête aux états généraux, par M. Le Tellier, prieur-curé de Chevannes (S.I.n.d. Pp. 8).

Observations d'un alsacien, sur les droits et les intérêts de sa province . . . (Strasbourg et Paris, 1789. Pp. 108).

Observations d'un citoyen, sur l'addition faite le 9 janvier au mandat donné à Romans, aux représentants de Dauphiné (S.I.n.d. Pp. 19).

Observations lues dans la séance des états de Dauphiné, du 15 janvier 1789, par M. Farconet, avocat au parlement . . . (Grenoble, 1789).

Observations sur la lettre adressée au roi par la communauté de . . . Rennes, le 19 janvier 1789 (S.I.n.d. Pp. 32).

Observations sur l'écrit de M. Target, intitulé "Des états généraux convoqués par Louis XVI" (S.I.n.d. Pp. 80). This is a reply to Target's *Deuxième suite*. See above, Section (d).

Observations sur l'égalité de représentation, prononcée par le roi, en faveur du tiers état, et sur la question des suffrages à prendre par tête ou par ordres, laissée, par sa majesté, à la décision des états généraux (S.I., 1789. Pp. 38).

Observations sur le nouvel arrêté du parlement de Paris, en date du 5 décembre 1788, par M. Linguet (Bruxelles, 1789. Pp. 28).

Observations sur le préjugé de la noblesse héréditaire, par M. . . . Bergasse (Londres, 1789. Pp. 48). Another edition has sixty-two pages. Mentioned in *Ultimatum d'un citoyen*. For the latter pamphlet, see below.

Observations sur le Rapport fait au roi dans son conseil par le ministre des finances, le 27 décembre 1788.—Observations sur la représentation du clergé aux états généraux (S.I.n.d. Pp. 61).

Observations sur les prétendues immunités du clergé, relativement à l'impôt . . ., par un citoyen impartial (S.I., 1789. Pp. 78).

Opinera-t-on par ordre ou par tête dans les états généraux? (S.I.n.d. Pp. 8).

Opinion du comte de Mirabeau, dans la séance du 21 janvier 1789, de l'assemblée générale de la noblesse de Provence (S.I.n.d. Pp. 8).

Opinion motivée d'un seul conseiller des enquêtes du parlement de Bretagne (S.I.n.d. Pp. 12).

Petit mot d'un marseillais, sur le "Mémoire des princes" (S.I.n.d. Pp. 8). By Pétion (*Œuvres de Jérôme Pétion*, II, 1-2). The author says that his "petit mot" comes late. On page 3 is a reference to Morellet's *Projet de réponse à un mémoire*, etc. See above, Section (d). The *Petit mot* is found bound with the second edition of *Ultimatum d'un citoyen* (see below), under the title *Le fin mot*, etc. This fact leads us to think that Pétion may have been the author of the *Ultimatum* also.

Pétition des curés (S.I.n.d. Pp. 14). On pages 5 and 6 the statement is made that the dukes and peers and the Parlement of Paris have just renounced their pecuniary privileges.

Pétition des femmes du tiers état au roi (S.I., 1^{er} janvier 1789. Pp. 8).

Pétitions nationales. Premier cahier. Première pétition (S.I.n.d. Pp. 16). Probably in January, 1789 (pp. 14-15).

Plan de conduite, donné à l'archevêque de Sens, principal ministre, au mois de juin 1788, dont l'original en chiffre a été trouvé chez lui (S.I., 1789. Pp. 15).

La politique et les vrais intérêts du tiers état. Dédié à tous et un chacun des individus du royaume (S.I., 1789).

Le pour et le contre, entretiens patriotiques de deux gentilshommes bretons (S.l.n.d. Pp. 95).

Précis de vûes générales en faveur de ceux qui n'ont rien, pour les mettre sous la sauve-garde de la bienfaisance publique et de la constitution de l'État (Lons-le-Saunier et Paris, 1789. Pp. 16). Signed: Lambert. Bears the date "22 janvier."

Première lettre d'un roturier qui s'estime autant qu'un noble, à un noble qui ne s'estime pas plus qu'un roturier (S.l., 1789. Pp. 24). The pamphlet is preceded by a "mot de l'éditeur" who signs himself "Duhamel, avocat, Bourg-en-Bresse, en janvier 1789."

Prenez-y garde, ou avis à toutes les assemblées d'élection, qui seront convoquées pour nommer les représentants des trois ordres aux états généraux (S.l., 1789. Pp. 22). Another edition of sixteen pages. Mentioned by Hardy in his "Journal" under date of February 8, 1789. The author may have been Rabaut de Saint-Étienne (*Biographie Didot and Catalogue des ouvrages relatifs aux états généraux*, p. 30).

*Des prérogatives du tiers état, par la duchesse de***, née plébéienne* (S.l.n.d. Pp. 35). By Louis-Ant. de Caraccioli, according to Barbier.

Procès-verbal de l'assemblée des trois ordres de la ville de Tarascon (S.l., 1789. Pp. 28). This assembly was held on January 14, 1789.

Procès-verbal de l'assemblée générale des trois ordres du diocèse de Montpellier, tenue le 9 janvier 1789 (Montpellier, 1789. Pp. 36).

Projet d'un mémoire des curés du diocèse d'Angers, relativement à la convocation des états généraux (S.l.n.d. Pp. 19).

Protestation d'un serf du Mont-Jura. Contre l'assemblée des notables, le mémoire des princes du sang, le clergé, la noblesse et le tiers état. Au roi (S.l., 1789. Pp. 40). Another edition of sixteen pages.

Protostation de la noblesse de Bourgogne (31 décembre) (S.l.n.d. Pp. 8).

Protestations des trois ordres du diocèse de Nismes, du 20 janvier 1789 (S.l.n.d. Pp. 4).

Quelques avis aux citoyens de Lyon (S.l.n.d. Pp. 15). Exhortation to send to the government an expression of will. Date may have been December, 1788.

Qu'est-ce que la noblesse, et que sont ses privilèges? (Amsterdam, 1789. Pp. 30). By the Comte de Murat, according to Barbier.

Qu'est-ce que le tiers état? (S.l., 1789. Pp. 127). By the Abbé Siéyes. Mentioned by Hardy in his "Journal" under date of February 3, 1789. Price: 30 sols. Hardy is very favorably impressed with the pamphlet, but does not mention the author's name. Three editions in 1789.

Questions adressées au rédacteur de l'arrêté du 5 décembre et du "Mémoire des princes," pour être proposées aux chambres du parlement assemblées (S.l., 1789. Pp. 22).

Questions de M. Necker, directeur général des finances, à l'ouverture de l'assemblée des notables, tenue à Versailles le 6 novembre 1788 (S.l., 1789. Pp. 32). Necker's questions are here answered in favor of the third estate.

Rapport de MM. les commissaires nommés par délibération des états de Languedoc, du 18 janvier 1789 (S.l., 1789).

Rapport des commissaires nommés par la compagnie des avocats de Das. . . Lu en assemblée, le 31 décembre 1788 (S.l.n.d. Pp. 29).

Recherches historiques et politiques sur l'origine et l'organisation des assemblées des états, et en particulier de ceux de l'Auvergne (Londres et Paris, 1789. Pp. 79). By the Vicomte Desiastrières-Murat, according to Barbier.

Recherches sur les états provinciaux en Normandie (S.l., 1789. Pp. 19). By Delepierre, according to a manuscript note on the copy in the Bibliothèque Nationale.

Récit de ce qui s'est passé entre MM. les gentilshommes assemblés à Dijon et l'ordre des avocats de la même ville (5 janvier) (Dijon, 1789. Pp. 21).

Recueil des avis et arrêtés pris par les trois ordres des états d'Artois. . . terminé par l'extrait de l'acte d'offres remis à MM. les commissaires du roi, le 21 janvier 1789 (S.l., 1789. Pp. 74).

Réflexions d'un avocat, consulté par un membre du tiers état de la ville de Paris. . . (S.l.n.d. Pp. 46). Dated: Ce 18 janvier 1789. See Chassin, *Les élections et les cahiers de Paris*, I, 133-136.

Réflexions d'un membre du tiers état à ses confrères (S.l.n.d. Pp. 15).

Réflexions impartiales sur la grande question qui partage les esprits, concernant les droits du roi et la nation assemblée en états généraux (S.l., 1788. Pp. 26). In the

avertissement of this pamphlet we read: "Notre ouvrage était sous presse lorsque nous fumes informés qu'il allait paraître un Rapport fait au roi, dans son conseil, par M. Necker. Aussi-tôt nous ordonnâmes qu'on suspendit le travail jusques à ce qu'il nous en fût parvenu un exemplaire." Mentioned in *Gazette de Leyde* (No. 5) under date of January 9, 1789. In a published declaration, dated January 13, 1789, Duval d'Espréménail emphatically denied that he was the author of the *Réflexions impartiales*. See above: *Déclaration de M. d'Espréménail*, etc.

Réflexions modérées d'un citoyen (S.I.n.d. Pp. 15).

Réflexions sur la constitution de la province du Dauphiné, sur la députation de cette province aux états généraux, et sur le mandat remis à ses députés (S.I.n.d. Pp. 56). On page 33 is a reference to January 9, 1789.

Remarques patriotiques par la citoyenne, auteur de la "Lettre au peuple" (S.I.n.d. Pp. 48). On page 13 is the following: "Depuis un mois que l'entrée de l'hiver s'est manifesté avec la plus grande rigueur, les travaux sont arrêtés." The extreme cold began about December 10, 1788. The authoress was Madame Olympe de Gouges, according to Barbier. See above, Section (b): *Lettre au peuple*, etc.

Remerciement des libraires de la rue S. Jacques à M. Necker, . . . (2 janvier) (Paris, 1789. Pp. 15).

Réponse à monseigneur le commandant du château ou au geôlier des cachots des isles de Sainte-Marquerite, sur M. d'Espréménail et sur les états généraux (Sous ma chaumière, le 25 janvier 1785 [sic]. Pp. 27). Signed: A.L.D.L.P.U.C. On page 4 is a reference to the "Résultat qu'il vient de publier." Mentioned by Hardy in his "Journal" under date of February 3, 1789.

Réponse des libraires du Palais Royal, au remerciement de leurs confrères de la rue Saint-Jacques, à M. Necker (15 janvier) (Paris, 1789. Pp. 15).

Réponse du 20 janvier 1789 à l'auteur anonyme du vau faussement attribué au tiers état de la ville d'Etain, tendant à confondre tous les ordres (S.I.n.d. Pp. 10).

Requête au roi, du tiers état de la ville de Dijon. Du 18 janvier 1789 (S.I.n.d. Pp. 28).

Requête du tiers état de la ville d'Auxerre, au roi, sur la formation des prochains états généraux du royaume (Auxerre, 1789. Pp. 28). On page 6 this appears: "Nous avons pour garant l'arrêté du parlement de Paris, du cinq décembre présent mois." Inference: the pamphlet was written in December but published in January.

Requisitoire du procureur du roi et de la ville de Paris, et arrêté de MM. les prévôts des marchands, échevins, conseillers et quarteniers de ladite ville (Paris, 1789. Pp. 44). Dated: 30 décembre 1788. Signed: Veytard. Two editions.

Résultat du conseil d'état du roi, tenu à Versailles le 27 décembre 1788.—Rapport fait au roi, dans son conseil, par le ministre de ses finances (Besançon, s.d. Pp. 42). Many editions.

Résultats des délibérations tenues en hôtel de ville de Rennes, les 22, 24, 25, 26 et 27 décembre 1788 . . . (Rennes, s.d. Pp. 16). Another edition.

Résultat des premières assemblées de la société publicole . . . décembre 1788 et 2 janvier 1789 (S.I.n.d. Pp. 8).

Le Rubicon, par l'auteur du "Bon sens" (S.I., janvier 1789. Pp. 97). By the Comte de Kersaint. See above, Section (c): *Le bon sens*, etc.

Second mémoire sur les états généraux, par M. le comte d'Antraigues (S.I., 1789. Pp. 112). Composed at the end of 1788 (pp. 75-76). For his first *mémoire*, see above, Section (b).

Seconde lettre à M. le comte d'Artois (S.I.n.d. Pp. 14). Signed: l'ami du tiers.

Sentiments d'un bon citoyen, à la lecture du Résultat du conseil d'état du 27 décembre 1788, et du Rapport fait au roi par le ministre de ses finances (S.I., 1789. Pp. 21).

Simplicité de l'idée d'une constitution et de quelques autres qui s'y rapportent, application et conséquences. Par le marquis de Casaux . . . (Paris, 1789. Pp. vii + 207).

Souscription proposée et acceptée dans l'assemblée de l'Union, pour ériger un monument à Louis XVI, le 1^{er} janvier 1789 (S.I.n.d. Pp. 8).

Supplément au dernier procès-verbal des états de Dauphiné ou examen de la conduite des dissidents par un observateur, membre du clergé (S.I., 1789. Pp. 46).

Supplément au dernier procès-verbal des trois ordres et des états de Dauphiné, du mois de décembre 1788, Par M. M. . . . , l'un des membres des états de Dauphiné (S.I., 1789. Pp. 48).

Sur cette question; Dans l'assemblée des états généraux, doit-on opiner par ordre ou par tête? par M. D.D.L. (S.l.n.d. Pp. 11). On page 9 is a reference to the renunciation of pecuniary privileges, which gives a clue to the date of publication.

La tête lui tourne, ou avis au public, et principalement au tiers état de la part du commandant du château des îles de Sainte-Marguerite, et du médecin, et du chirurgien du même lieu, sur l'évasion d'un fou qui se faisait appeler d'Esprém. . . On y a joint la lettre d'un roturier aux notables ses confrères (Aux Isles de Sainte-Marguerite, 1789. Pp. 43). This is a pleasantry at the expense of Duval d'Esprémessnil. The above title is a play on the titles of several popular pamphlets of the day.

Le tiers état de Normandie éclairé, ou ses droits justifiés (S.l., 1789. Pp. 23).

Le triomphe du tiers état (S.l., 1789. Pp. 48).

Ultimatum d'un citoyen du tiers état au "Mémoire des princes présenté au roi," seconde édition, suivie du *Fin mot d'un marseillais* (S.l., 1789. Pp. 74). On page 66 we read: "On imprimait cette réponse au Mémoire des princes, lorsque le Résultat du conseil et le Rapport de M. Necker ont paru." What appears to be the first edition has sixty-seven pages and is dated 1789. It does not contain the *Fin mot*, etc. The author may have been Jérôme Pétion, of Chartres. See above: *Le petit mot d'un marseillais*, etc.

Vues sur les moyens d'exécution dont les représentants de la France pourront disposer en 1789 (S.l., 1789. Pp. vi + 161). By the Abbé Siéyes. The *Avis préliminaire* begins thus: "Cet écrit a été composé dans les derniers jours d'un ministère qui avait excité sans mesure le mépris et la haine publique." The reference is to the ministry of Brienne and Lamoignon. On page 4 is a reference to the decree of August 16. Two editions in 1789.

IV. SECONDARY WORKS

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INDEX

- Albisson, Jean, pamphlet of, 153-154
- Aligre, M. d': first president of the Parlement of Paris, 57; offered the seals, September, 1788, 61; sent to the king to ask permission to omit annual vacation of the Parlement, 67
- Amelot, intendant of Dijon, letter of, 159-160
- Antraigues, Comte de, pamphlet of, 95-97
- Artois, Comte d': demanded dismissal of Brienne, 44-45; advised Lamignon to resign, 59; president of the second bureau of Notables, 106; signed the memorial of the princes, 171; target of popular disfavor, 176
- Bailly, 164
- Barentin: appointed keeper of the seals, 61; chairman of commission to collect the instructions from the provincial assemblies, 63; agreed to coöperate with Necker in collecting information, 75; proposed a compromise on the question of double representation for the third estate, 198; voted against double representation, 201; nominal chairman of commission to draft electoral regulations, 217-218
- Barnave, pamphlet of, 38
- Basoche, clerks of, 11
- Biron, Maréchal de, placed in command of the troops of Paris, 50
- Bourbon, Duc de: president of the fifth bureau of Notables, 107; signed the memorial of the princes, 171
- Bourgeoisie, attitude of, 69-70
- Breteuil, Baron de, manikin of, carried in procession, 12
- Brienne, Comte de: retained as minister of war, 47; *hôtel* of menaced by mob, 60
- Brienne, Loménie de: appointed minister, 8; capitulated to Parlement of Paris, 12; raised to the rank of Principal Minister, 12; policy of, 25-26; quotation from *Mémoires* explaining policy, 36; character of, 41-42; resignation of, 45-46; interview with Necker, 46-47; popular rejoicing at the fall of, 47-50; clandestine departure of, 50; death of, 51; indicted for malfeasance in office, 67
- Caisse d'Escompte, shares of, 43
- Calonne: proposals of, 3-4; dismissal of, 7; burned in effigy, 12
- Camus, first keeper of the archives, 157
- Casaux, Marquis de, pamphlet of, 191-192
- Castillon, Blanc de: on commission to collect the instructions of the provincial assemblies, 63; approved of Conti's "motion," 109
- Cérutti, Abbé, pamphlet of, 184 ff.
- Chambre des Vacations, 68-69
- Clergy of France, remonstrances of, 21
- Compte Rendu*, March, 1788, 16
- Condé, Prince de: president of the fourth bureau of the Notables, 107; signed the memorial of the princes, 171
- Conti, Prince de: president of the sixth bureau of Notables, 107; his "motion" denouncing scandalous writings, 108-109; his "motion" tabled by order of the king, 109; signed the memorial of the princes, 171
- Coster: interview with the Abbé Lecoigneux, 71; member of fact-finding commission, 75
- Crosne, M. de, lieutenant-general of police, summoned to the bar of the Parlement of Paris, 66

- Dauphiné, estates of, to serve as model, 84, 131, 143-144, 148, 152
- Declaration of September 23, 1788, fixing date for the meeting of the Estates General, 62
- Declaration of the Parlement of Paris on December 5, 1788, explaining its demand of September 25, 111
- Decree of July 5, 1788: called for information concerning the Estates General, 27-28; responses to, 28 ff.; referred to by Necker as being still in force, 75
- Decree of August 8, 1788, fixing date for meeting of the Estates General, 37-38
- Decree of August 16, 1788, suspending payments, 39
- Decree of October 5, 1788, convoking the Notables, 72-73
- Decrees of May 8, 1788, 19
- Delacroix: pamphlet of, 33; criticized by the Comte de Lauraguais, 87-88; replied to the Comte de Lauraguais, 88
- Dubois: officer in command of the Garde-de-Paris, 49; residence of menaced by mob, 60; summoned to the bar of the Parlement of Paris, 66
- Dufresne, replaced Gojard as clerk in the royal treasury, 47
- Dupont, secretary of the Assembly of Notables, 105
- Duport, Adrien, 111
- Enghien, Duc d', signed the memorial of the princes, 172
- Esprémesnil, Duval d': carried in triumph, 11; interview with Lamoignon with reference to compromise between king and Parlement, 13; activity of, 18; imprisonment of, 19; welcomed overture of Necker, 111; pamphlet of, 112
- Estates General: convocation of demanded, 10; convocation of promised by the king, 14
- Fersen, Comte de, quoted, 181
- Financial circles, panic in, 43
- Fourqueux, controller general, 7
- Frenaye, De La, read Dr. Guillotin's *Petition* to the Six Corps de Marchands of Paris, 166
- Fresnoy, Ducloz de, pamphlet of, 193-194
- Fréteau, imprisonment of, 15
- Garat, 164
- Gojard: clerk of the royal treasury, 42; transferred to the service of the Comte d'Artois, 47
- Grand' Chambre, 20
- Grenoble, disturbances at, 22
- Guillotin, Dr., pamphlet of, 165 ff.
- Hébert, 164
- Hennin, secretary of Assembly of Notables, 105
- Héricourt, M. d', emissary of Necker to Duval d'Esprémesnil, 110
- Kersaint, Comte de, pamphlet of, 139-140
- Lacretelle, Pierre Louis de, pamphlet of, 100-101
- Ladebat, M. de, pamphlet of, 188-189
- Lafayette, Marquis de, opposed to Conti's "motion," 109
- Lambert, replaced by Necker as controller general of finances, 47
- Lameth, Comte Alexandre de, pamphlet of, 140-142
- Lametherie, Jean-Claude de, pamphlet of, 99-100
- Lamoignon: keeper of the seals, spoke at bed of justice on August 6, 1787, 10; expounded principles of French constitution, 14; dominance of, 37; surrendered the seals on September 14, 1788, 59; popular rejoicing at resignation of, 59-60; indicted for malfeasance in office, 67; congratulated Necker on his *Rapport*, 206
- Land tax: proposed by Calonne, 4; opposed by Notables, 5; opposed by the Parlement of Paris, 10; withdrawn by Brienne, 12
- Lanjuinais, Jean Denis, pamphlets of, 139
- Lauraguais, Comte de, pamphlets of, 78, 86-88, 142
- Lecoigneux, Abbé: interview with Coster, 71; pamphlet of, 80

- Lévrier, Antoine Joseph, pamphlet of, 84-85
- Linguet, Nicolas Henri: his *Annales* (No. 116) condemned by the Parlement of Paris, 67-68; pamphlets of, 168-169
- Louchet, pamphlet of, 192
- Malesherbes: offered the seals, 61; on commission to collect the instructions of the provincial assemblies, 63
- Malouet, pamphlet of, 177 ff.
- Marchands, Six Corps de, 166
- Maury, Abbé, congratulated Necker on *Rapport*, 206
- Mercy-Argenteau, Comte de, negotiations with Necker, 43
- Ministry, distrust of, 34-35
- Mirabeau, Comte de, 164
- Molleville, Bertrand de, pamphlet of, 101-102
- Monsieur (Comte de Provence): welcomed return of Necker, 52; president of the first bureau of Notables, 106; his bureau favors double representation for the third estate, 114
- Montmorin, favored double representation for third estate, 197, 200
- Montsabert, Goislard de: discourse of, 17; imprisonment of, 19
- Morellet, Abbé, pamphlets of, 151-152, 174 ff.
- Mounier, pamphlets of, 93-94, 131-132
- Mourgue, Jacques Augustin, pamphlet of, 97-99
- Necker: queen's negotiation with, 43-44; agreed to enter ministry as Brienne's colleague, 44; not to be Principal Minister, 52; conference with king and queen, 52; popular expectations of, 53-54; character of, 54; policy of, 55-56; attitude of toward the parlements, 56; portrait of carried in procession, 60; proposed a commission to collect the instructions of the provincial assemblies, 63; resolved to convoke the Notables, 71-72; stimulated nationwide quest for information concerning the Estates General, 74; asked Barentin for coöperation in collecting information, 74-75; speech of, to the Notables, 104-106; sought support of the Parlement of Paris against the Notables, 110; sent M. d'Héricourt to Duval d'Esprémesnil with proposition, 110; memorial to the king, 197 ff.; *Rapport* of, resumed, 202 ff.; *Rapport* of, popular response to, 206
- Nivernois, M. de, declined to commit himself on double representation for the third estate, 201
- Notables: first assembly of, dismissed, 9; second assembly of, advice on composition of the Estates General, 113 ff.; advice of, on convocation of the Estates General, 123 ff.; advice of, on elections, 123; advice of, on instructions, 124
- Orléans, Duc de: protest of, 15; exile of, 15; president of the third bureau of the Notables, 107
- Pamphlets, early, nature of, 30
- Paris: witticisms of, 4; memorial of, 164
- Parlement of Paris: exiled to Troyes, 11; declared loan illegal, 17; issued declaration of principles, 18; suspended from its functions, 19; invited to resume functions, 57; protest of, September 12, 1788, 58; ordered to resume functions, 63; resumed functions, 65; demanded that Estates General be convoked and composed as in 1614, 67; declaration of, December 5, 111
- Pastoret, member of fact-finding commission, 75
- Pau, disturbances at, 22
- Penthièvre, Duc de, excused from attending the second assembly of Notables, 107
- Pétion, Jérôme, pamphlets of, 79, 181 ff.
- Plenary court: establishment of, 19; composition of, 20; postponed, 37
- Polastron, Madame de, 45
- Polignac, Duchesse de: manikin of, carried in procession, 12; queen's favorite, 45
- Provincial assemblies: proposed by Calonne, 4; approved by the Parlement of Paris, 9

- Puységur, M. de, wavered on the question of the double representation for the third estate, 201
- Queen: negotiates with Necker, 43-44; letter of, 52; present at the royal council, 200; favored double representation for the third estate, 201
- Rennes, disturbances at, 21-22
Résultat du conseil d'état du roi, 201
- Roederer, pamphlet of, 136-138
- Rondonneau, Louis, member of fact-finding commission, 75
- Royal sitting of November 19, 1787, 14
- Sabathier, Abbé: suggested convocation of the Estates General, 9; speech of, 10; imprisonment of, 15
- Saint-Étienne, Rabaut de, pamphlets of, 91-93, 134-136
- Scission*, threat of, 172
- Séguier, *procureur général du roi*: discourse of, 65; denounced the public signing of Guillotin's *Pétition*, 167
- Serent, Marquis de, pamphlet of, 83
- Serrant, Comte de, pamphlet of, 127-128
- Servan, Antoine Joseph Michel, pamphlets of, 94-95, 176
- Siéyes, Abbé: dictum of, 169; pamphlets of, 208 ff.
- Stael, Madame de, quoted, 197, 206
- Stamp tax: proposed, 7; opposed by the Parlement of Paris, 9; withdrawn by Brienne, 12
- Target, pamphlets of, 88-91, 142-144, 187-188
- Thouret, drafted memorial for Rouen, 163
- Tracy, Comte de, 164
- Turgot, ideas of, 4
- United States of America, government of, cited as a model, 84, 131, 136, 146, 152, 187
- Vaudreuil, Marquis de, 45
- Vergennes, death of, 8
- Vermond, Abbé, 45
- Veisailles, witticisms of, 4
- Villedieuil, Laurent de: controller general of finances, 8; suggested postponing the meeting of the Estates General, 199; voted against double representation for the third estate, 201
- Vizille, assembly of, 23
- Volney, pamphlet of, 126-127
- Young, Arthur, quoted, 12

